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LEGAL HOLIDAYS.

I. DEFINITIONS.

Notwithstanding the distinction drawn by the great American Lexicographer, between a holiday and a holyday, whereby the latter should be used as the proper term for a religious festival, while the former should rather denote a day of exemption from labor and of amusement, joy and gaiety, the common impression seems to liken both the holiday and the holyday to the great weekly day of rest and legal inaction. It is not improbable that this confusion of thought has arisen from the distinctively religious character of many established holidays, together with the more or less complete disestablishment of State religion, in the United States. How this may occur, may be surmised from a quotation:

There are, it is said, two kinds of Holidays, ecclesiastical and state; the former established by the church, the latter by the state. In this country we cannot recognize the ecclesiastical holidays, for we have no established church, and affairs of state are carefully separated from ecclesiastical matters: *Elliott J. Hadley v. Musselman* (1885), 104 Ind. 462.

It is no longer true that a holiday, as established by law, is, as described by Milton and quoted by Noah Webster, that day, in law or meteorology, when—

Young and old come forth to play,
On a sunshine holiday.

Nor that of Richardson—

Holi-day—a day of rest. [*e. g.*] The same bell that called the great man to his table, invited the neighborhood all around, and proclaimed a *holiday* to the whole country. (*Hurd. Dial. Age of Eliz.*)

Dr. Worcester indicates the true definition in words which need supplementing, in legal language, though still adhering to that distinction of Noah Webster which is the only reliable guide to a correct solution of the practical problem, as to what may be done upon an American Legal Holiday.

The holidays are considered, in England, to be those days, exclusive of Sundays, on which no regular public business is transacted at public offices. They are either fixed, or variable. The variable are seven, viz: Ash Wednesday, Good Friday, Easter Monday and Tuesday, Holy Thursday, Whit Monday and Tuesday.

The course of correct understanding is barred, however, to many of the legal fraternity, by the unfortunate definitions of the Law Dictionaries. Thus Bouvier, after quoting Webster, as above, concludes

A legal holiday is, *ex vi termini, dies non juridicus*: Rawle's Bouvier, vol. 1, p. 753, citing *Lampe v. Manning* (1875), 38 Wis. 673.

A recent writer is more commendable:

A secular day, on which the law exempts all persons from the performance of contracts for labor, or other personal services, from attendance on court, and from attention to legal proceedings: Anderson.

However, this last definition does but accord with two less popular of the dictionaries, and is not correct in principle; thus—

A day of exemption from labor; a day of amusement; a day, or number of days, during which a person is released from his every-day labours: Ogilvie, ed. 1882, Vol. 2, p. 514.

A day of freedom from labour; a day of joy and gaiety: Stormonth, ed. 1885, p. 451.

Benjamin Vaughan Abbott's Dictionary of Terms and Phrases (1879), gives an imperfect definition, but also explanatory notes of much value—

A secular day, upon which the usual obligations of labor, attendance upon court, and attention to notices and service in legal proceedings, are, by law, remitted.

The important thing is that the days in question are excepted, by common understanding, and without express reservation, from many contracts for labor; the business of courts and public offices suspended; presentment of commercial paper and service of legal notices and civil process is disallowed or excused; and, in general, the law, while it does not require, encourages the appropriation of the day to rest and festivity.

In a sense, Sunday is a holiday; but, as the latter word is usually employed, it does not include Sundays; thus *Sundays and holidays*, is a common and correct expression.

The decision cited by the editor of Bouvier does not sustain the definition. As this case is frequently cited in this short and ready way, it is, in that view, worthy of examination. An action had been tried before a justice of the peace, on the twenty-third day of February, 1874, which was Monday. The Statute of Wisconsin (*infra*), distinctly forbade the opening of any court for trial on that day, being a legal holiday. The judgment of the justice was necessarily reversed and it was mere *dicta*, for the Justice of the Supreme Court to add, that the justice would have had no authority to try the case on that day, being a holiday, or *dies non juridicus*, even though the express prohibition of the Statute had been omitted. The result of such *dicta* is the line of decisions, where the courts are driven to distinguish legal business from lay business, along the shadowy lines of acknowledgements, depositions and similar unsolemn legal Acts. The true definition depends upon the Statutes, loosely worded and erroneously drawn as they are.

At common law, Sunday was deemed a non-judicial day, during which no courts could transact any business, or render any decree. Of course, at common law, some of the days which, under our practice, are deemed non-judicial, were unknown as such; and when they are so declared, the inference would be that the prohibition extends no further than is named in the statute: Drummond, J. *In re Worthington*, (1877), U. S. Circ. Ct. W. Dist., Wis. 7 Biss. 455, 456.

This avoidance of such construction as would render a legal holiday statute almost equivalent to a Sunday law, received strong endorsement in New Jersey, whose statutes (*infra*) prohibit compulsory labor and court sessions. A summons issued, tested, and served on a general election day, was upheld, MAGIE, J., saying—

The statutory declaration that these days shall be legal holidays, does not indicate an intent to assimilate their *status* to that of Sunday. "Holiday," in its present,

conventional meaning, is scarcely applicable to Sunday: *Phillips v. Innes* (1837), 4 Clark & F. 234. It is applicable to all, and has long been applied to some of the days named. When the statute declares them to be legal holidays, it does not permit a reference to the legal *status* of Sunday to discover its meaning; for it proceeds to interpret the phrase, so far as it is prohibitory, by an express enactment, declaring what shall be done thereon. What it thus expresses, is prohibited; what it fails to prohibit, remains lawful to be done. The plain intent of the statute, therefore, is to free all persons, upon the days named from compulsory labor, and from compulsory attendance on courts, as officers, suitors, or witnesses. * * * Any person, officers of courts, or others, may work, if they choose: *Glenn v. Eddy*, S. Ct. N. J., March 11, 1889.

The definitions of the adjective *Legal*, should here be observed—

2. Authorized, sanctioned, or permitted by law; according or conformable to law; as, "A legal marriage." 3. Instituted, prescribed, or required by law; lawful; as, "The legal rate of interest." 4. Created, or constituted by law; as, "The exceptions must be confined to legal crimes" (Paley): Worcester, ed. 1880, p. 827.

According to law; required, authorized or permitted by law; good or valid in law; lawful; the opposite of *illegal*: Burrill, ed. 1859, vol. 2, p. 139.

Allowed or authorized by law; as legal holiday: Anderson.

The term *dies non juridicus* should here be observed. The lexicographers translate it thus—

A day on which courts are not held, as the Sabbath, etc.: Webster.

No day in court; a day on which the judges do not sit: Worcester.

Not a court day: Wharton.

Non-judicial days. Days during which courts do not transact any business; as Sunday, or the legal holidays: Rawle's Bouvier, vol. 1, p. 530.

A day not juridical: not a court day. A day on which courts are not open for business, such as Sundays and some holidays. [Not] a day for judicial proceedings, or legal purposes: Burrill, ed. 1859, vol. 1, p. 490.

A non-judicial day, [which] means only that process ordinarily cannot issue, be executed, or returned, and that courts do not sit, on that day. It does not mean that no judicial action can then be had: Anderson.

The last definition is a portion of the language of RODMAN, J., in *State v. Ricketts* (1876), 74 N. C. 187, 193, where receiving a verdict on Sunday in a prosecution for perjury, was held valid, because—

In this State, in general, every act may lawfully be done, unless there be some act of the Legislature forbidding it to be done on that day.

Notwithstanding the definitions and remarks of judges, just quoted, the Supreme Court of California was called upon to decide that Washington's Birthday was not a legal holiday

until made so by enactment: *McVerry v. Boyd* (1881), 57 Cal. 406. Still earlier, the Supreme Court of the United States was called upon to decide whether a consignee might refuse to take a consignment upon the State Fast-day. There was no statute, and in compelling the consignee to accept the delivery of a cargo on that day, GRIER, J. said—

The proclamation of the governor is but a recommendation. It has not the force of law, nor was it so intended. The duties of fasting and prayer are voluntary, and not of compulsion, and [the] holiday is a privilege and not a duty. In almost every State in the Union, a day of thanksgiving is appointed in the fall of the year by the governor, because there is no ecclesiastical authority which would be acknowledged by the various denominations. It is an excellent custom, but it binds no man's conscience nor requires him to abstain from labor. Nor is it necessary to a literal compliance with the recommended fast, that all labor should cease, and the day be observed as a Sabbath, or as a holiday. It is not so treated by those who conscientiously observe every Friday as a fast day: *Richardson v. Goddard* (1859), 64 U. S. 28; s. c. (in Circ. Ct.) 6 AMER. LAW REGISTER (O. S.) 504.

The aim of this article is to correct the error of confounding Sunday with a legal holiday. A reference to other articles, treating of the legal relations of Sunday (17 AMER. LAW REGISTER 281; 19 Id. 137, 209, 273), will assist in leading up to a proper distinction between the two classes of days. Sunday has a sanctity from of old and all the statutes have attempted to do for its observance has been in the nature of police regulation. Legal holidays have, however, to be created, excepted, defined and separated from other days, and often the difficulty of creating and regulating at the same time, has led to an approximation, by convenient reference, of penalties for not observing legal holidays to those of Sunday. In this view, it would be strange if hasty thinkers did not confuse the legal effect of the two classes of days.

Legal Holidays, as distinguished from the first day of the week, are those days which are set apart by statute, or by executive authority, for fasting and prayer, or thanksgiving, or other religious observances and commemorations, or for political, moral, or social duties or anniversaries, or merely for popular recreation and amusement, under such penalties and prohibitions alone as are expressed in positive legislative enactments.

II. JUDICIAL PROCEEDINGS.

In judicial proceedings, the happening upon a holiday, of a last day for performance of any act, generally results in the liberty to perform on the next judicial day. Not that the last, it may be, of many intervening holidays shall be expunged; not that the law prohibits the performance on that day; not that the act could not be expected to be performed in advance, even one day; construction must divide between commercial usage, which deducts a day, and legal usage, which adds a day in pleading. Enlarging the rule respecting pleas in abatement, (*Lee v. Carlton*, 1790, 3 Term Rep. 642), all the latter days must be *law days*, that the full number allowed may not be diminished, even though other nonjudicial days, occurring earlier in the period, are computed: *Avery v. Stewart* (1816), 2 Conn. 69 (a Sunday case upon the time of tender of merchandise); *Sands v. Lyon* (1846), 18 Id. 18 (a Sunday case upon the time of tender to obtain a devise); *Estate of Rose* (1883), 63 Cal. 346 (appeal taken on next day). This addition of time in Pennsylvania, is made the subject of a special statute, which commands the omission of a legal holiday, in the computation time, when the last day would fall upon a holiday: *vide infra*.

Exception to the general statement above, must be made in applying the bar of the Statute of Limitations; that is a statute of repose and its bar does not suffer delay by the mere occurrence of a nonjudicial day. In this respect, commercial usage for the payment of notes on the day before, and legal construction of the statute of repose, coincide in fact, though not in principle. For the principle here involved is that of the reasonable construction of a statute according to the probable intention of the legislature in limiting the performance of a particular act. Nonjudicial days are necessarily included and are not excepted; reasonably, by construction, there was no such intention to except them: *Thayer v. Felt* (1826), 4 Pick. (Mass.) 354 (a Sunday case).

This exception was declared in *The Hibernia S. & L. Soc. v. O'Grady* (1874), 47 Cal. 574.

The extension of the legal holiday to some other day, when it falls upon Sunday, is not favored by the courts. When the

statute is so uncertain as to require construction, the objects of such a day are to be set against the interference with private rights. The first day of the week is for rest and opportunity of devotion, but a holiday is set apart by law for the commemoration of some event, or for respect to some persons, or for the expression of gratitude, and the like. These are often not at all inconsistent with the objects of Sunday, and the courts should not assume that a separate day would be required: MAXWELL, J., *State v. King* (1888), 23 Neb. 540, 547; DRUMMOND, J. *In re Worthington*, *supra*.

Even where the statute distinctly transfers the holiday, falling on Sunday, to the following Monday, there has been a disposition to so construe it as to confine the prohibitions upon court sessions and the like, to the actual day, being Sunday, and uphold judicial proceedings upon the Monday: *State v. King* (1888), 23 Neb. 540.

A summary of the various statutory regulations, of judicial and ministerial proceedings, on a legal holiday, appears at the conclusion of this article, with references to the pages where the various points are discussed in the course of this article.

The statutes which transfer a holiday falling upon Sunday, to the following Monday, are in accord with that principle which prevents a court from losing jurisdiction over a case by an adjournment, or return of process to a nonjudicial day. In such case, the case stands continued to the next day: MAXWELL, J., *State v. King* (1888), 23 Neb. 547; and a formal adjournment to Thanksgiving Day must be treated as a nullity, so that practically there is a recess to the next law day: *Polin v. State* (1883), 14 Neb. 540, 546.

The sittings of the courts and performance of judicial duties by the judges will not be prevented by liberal construction of statutes closing public offices; the construction of the words used, is, to take them in their ordinary and familiar signification and import and with regard to their general and proper use.

Hence a criminal examination, begun upon the day before a legal holiday, continued and partially held upon the holiday, and finally concluded upon the next day, was sustained and

the commitment held to be valid: *Hamilton v. The People* (1874), 29 Mich. 175, 176.

Hence, words closing public offices, do not prevent judicial action by judges: *People v. Kearney* (1888), 47 Hun. (N. Y.) 129, 134.

Under the Texas Statutes (*infra*), the prohibition against the issuance and service of processes, was not extended, by construction, to the avoidance of a sheriff's sale held on a legal holiday, because the prohibition was found alone in the chapter regulating the commencement of suits, and not in that on executions: *Crabtree v. Whiteselle* (1885), 65 Tex. 111, 113, 114.

If the prohibition upon legal action upon a holiday, is the same as upon a Sunday, then no one is under any obligation to regard a judgment or other judicial action, and no failure to appeal or otherwise have the erroneous action corrected, can affect even the same parties, in another action over the same subject matter: *Hemmens v. Bentley* (1875), 32 Mich. 89, 90; S. C. 14 AMER. LAW REGISTER 703. The case here cited was one before a magistrate for a statutory penalty; a plea of former recovery was denied because the former action had merged into judgment entered on the twenty-third day of February, a legal holiday. (Otherwise in New York; *infra*, 145).

Similarly where an insolvent debtor selected a fast-day for the appointment of justices to hear his disclosure, and the creditor did not appear, the refusal of the creditor to appear either at the appointment or at the adjournment to the next day, when the disclosure was made, was sustained; the justices could not be selected on such a day, and their action on the law day to which they had adjourned, was void: *Poor v. Beatty* (1887), 78 Maine 580, 583, WALTON J., significantly adding—

We think the creditor cannot be compelled thus to spend Fast-day. There is no necessity for it.

The prohibition of judicial action upon an election day will not be construed further than the statute declares; thus, a local election will not prevent the sittings of the Supreme Court, which are forbidden on the day of a general election:

Re Election Laws (1845,) 7 Hill (N. Y.) 194. Even on the day of a general election, the entry of a judgment by a justice of the peace, in a cause tried and submitted on a previous day, has been upheld: *Rice v. Mead* (1862), 22 How. Pr. (N. Y.) 445, 448, BALCOM, J. (of Supreme Court), saying—

The only motive the legislature could have had, in enacting the statute under consideration, was to close the courts on general election days, so that no elector should be hindered or kept from voting, by them, unless guilty of an offence, or of threatening to commit one. The object they must have had in view, is accomplished when all courts are stopped from transacting any business, on such days, of a civil nature, that requires the attention of any party, attorney, witness, officer, or other person. There was no necessity, or reason, for prohibiting courts from doing acts on those days, that judges, or justices of the peace, could quietly perform, without interfering in the least, with their own right, or that of any other elector, to go to the polls and deposit his ballot. * * * I do not deny that such an act is within the letter of the statute forbidding courts from transacting any business of a civil nature on such a day; but I think it is not within the spirit or meaning of such statute, and therefore not prohibited by it.

Under the Minnesota act (*infra*), in a trial for murder, the case was given to the jury on February 22, after occupying several days. The jury returned their verdict of guilty of manslaughter the next day, and the prisoner's claim that the trial had been rendered void by the statute was denied, GILFILLAN, C. J., saying—

"In the case of a court, at least, the necessity of transacting the particular business on that day must be conclusively presumed to have been presented to and passed upon by it; and the only practicable rule is to hold its decision on that question final." *State v. Sorenson* (1884), 32. Minn. 118, 121.

Under the North Carolina Code (*infra*), a trial for murder began February 21, and was concluded the next day, when the prisoner was convicted. This was held to be no violation of the statute, MERRIMAN, J., saying—

"It (§ 3784) does not purport, in terms or effect, to prohibit persons from pursuing their usual avocations on such days, nor is there any inhibition upon public officers, not to exercise their offices respectively, nor, more particularly for the present purpose, is there any inhibition upon the courts to sit on such days, and exercise their functions and authority. There is no such statutory inhibition, nor, indeed, is there any, except such as may arise in the application of general principles of law. It has never been understood to be the law in this State, that a public holiday is *dies non juridicus*, except, perhaps, to a limited extent; it is certainly not wholly so. The courts, particularly the Superior Courts, very frequently sit on such days, and hear and try cases and dispatch the business that ordinarily comes before them, especially when there is no objection. Frequently, however, they do

not so sit, and it seems to us that ordinarily it would be better that they should not, and thus encourage the spirit and purpose of them. It may be that suitors, jurors, witnesses and others are not bound to attend court on legal holidays, but if they do, and the court proceeds with the business before it, it is not unlawful to do so, nor is it error in the court, in any particular case or matter, to so hear and dispose of it, unless it shall appear that a party thereby suffered injustice or prejudice." *State v. Moore*, Nov. 4, 1889.

The Court also thought these sentiments fortified by their decisions on the Sunday law in *State v. Howard* (1880), 82 N. C. 623; *Bland v. Whitfield* (1853), 1 Jones (N. C.) 122; *Branch v. R. R. Co.* (1877), 77 N. C. 347; *Devries v. Summit* (1882), 86 Id. 126.

The same conclusion, partially based upon *State v. Ricketts* (1876), 74 N. C. 187, but without any qualification, as holidays are not, in Alabama, accounted non-judicial days, was reached in *Pfister v. The State* (1887), 84 Ala. 432; *Belmont C. and R. R. Co. v. Smith* (1883), 74 Id. 206, 213; so, in the late case of *Robbitt v. The State* (decided June 19, 1880), where a trial for false pretense was held on Good Friday, the conviction was sustained, as there was nothing in the objection to the day upon which the trial occurred.

So, likewise, in Missouri, where the statute (*infra*,) relates, by its terms, to commercial paper only, the rendering of judgment by a justice of the peace, on Thanksgiving Day, was held to be valid: *Bear v. Youngman* (1885), 19 Mo. App. 41, and in Texas, under a similar statute (*infra*,) a criminal trial, held on the first day of January, was sustained, the holiday being no cause for a continuance, WINKLER, J., saying—

To the extent that holidays have been assimilated to Sunday, by statute, they must be enforced; but, we apprehend, no further. * * * * With us, the rights, duties and privileges of the citizen, as well as what duties may be performed by courts and officials, are regulated by statute law; but we nowhere find that, except as above stated, the general provisions of the statutes respecting the Sabbath, or Sunday, are to be applied to legal holidays: *Dunlap v. The State* (1880), 9 Texas App. 179, 187.

This last decision is cited with approval by WILLIE, C. J., while sustaining a civil hearing on the first day of January, because merely some things are forbidden by the statutes, on that day: *Houston, E. & W. T. Ry. Co. v. Harding* (1885), 63 Tex. 162, 164. For holidays, unlike Sundays, have only the

sanctity attached to them by statute: ROBERTSON, A. J., *Crabtree v. Whiteselle* (1885), 65 Tex. 111, 113; and the statute prescribing them is merely permissive, allowing the Courts to observe them if they see proper to do so: *Pender v. The State* (1882), 12 Texas App. 496, 506 (a murder case tried on a holiday).

Hence, the Courts may sit on the Fourth of July and enter judgment if no statute inhibits such action: *Hamer v. Sears*, S. Ct., Ga., June 1, 1888; *Russ v. Gilbert* (1882), 19 Fla. 54, 60, where RANDALL, C. J., said—

It was suggested with commendable patriotic favor, that the default [for not pleading] having been entered on the “glorious fourth” of July, it was void, being *dies non*, or a national holiday. Our statute on that subject merely provides that the fourth of July shall, in regard to bills and notes, be treated as a public holiday, and presentation for acceptance or payment may be made on the preceding day. Courts and business are not inhibited on these days.

The statutory prohibition against the commencement of a suit upon a legal holiday, may be waived by pleading; such commencement is an irregularity merely.

This statement is supported by the case of *Williams v. Verne* (1887), 68 Texas 414 (also cited as *Ullman v. Verne*).

Where the action of the Court on a holiday is not void, but avoidable, such action will be sustained on the ground of waiver and *laches*, where there is no immediate objection. There is now no disposition to encourage such objections, as will be seen from the following examples: an early case in Connecticut, under a peculiar statute relating to Thanksgiving day, did curiously hold the other way, the writer of the opinion denying that any act prohibited could not be sanctioned by paying a fine, and so confusing public and private relations: *Gladwin v. Lewis* (1825), 6 Conn. 49, 53. The words of the statute were—

That all persons shall abstain [upon Thanksgiving Day] from every kind of servile labour and vain recreation, works of necessity and mercy excepted.

A delay of three months in objecting that the Court had not been formally adjourned on July fourth, until the next day, is such *laches* as to constitute a waiver of any advantage which might have been taken of such an irregularity: *In re Flushing Ave.* (1886), 101 N. Y. 678.

The issuance of process has been objected to, as presupposing a fictitious session of the court, at which the writ could be avoided. The answer has been twofold: the judicial writ, awarded by the court, is a fiction, which should not be made to do such important duty at this late day; again, and better, the sessions of the courts which are forbidden must be actual sessions, with the attendance of parties, jurors and witnesses: *Glenn v. Eddy* (*supra*, p. 140).

Where no action is required on the return day, process may be made returnable to any legal holiday.

Hence, the Court of Chancery refused to quash a subpoena *ad respondendum*, returnable on the thirtieth day of May: *Kinney v. Emery* (1883), 37 N. J. Eq. 339; this upon the express ground that a legal holiday and a Sunday differed: *McEvoy v. Trustees* (1884), 38 Id. 420, 421. On Sunday no Court is open and it would be so irregular to make the subpoena returnable on such day that no attachment would be issued to enforce the appearance: *Gould v. Spencer* (1836), 5 Paige chan. (N. Y.) 541, 542.

If it be allowable to issue process, then objection has been made to its service, though without success: *Glenn v. Eddy* (*supra*, p. 140). The reasoning here applied, also embraces a refusal to extend, by implication, the prohibition upon the opening of public offices: *People, ex rel. v. Board of Supervisors* (1888), 50 Hun. (N. Y.) 105, 109, following *People v. Kearney*, (*supra*, p. 144); *Nichols v. Kelsey* (1887), 20 Abb. New Ca. (N. Y.) 14; *Fries v. Coar* (1887), 19 Id. 267; *Contra, Reynolds v. Palm* (1887), 20 Id. 11.

Indeed, process may be served, unless positively forbidden: *Meeks v. Noxon* (1855), 1 Abb. Pr. (N. Y.) 280; s. c. 11 How. Pr. (N. Y.) 189; or in violation of the object of the statute. This is especially the case in chancery proceedings, with orders, notices, and all writs not executed by arrest: Gilbert, *Forum Romanum* (Amer. ed. 1874) p. 42. Mr. Tyler doubts this, as applied to Sunday, but such was the distinct ruling of the New York Court of Chancery, in respect to the service of a subpoena and injunction on an election day: *Wheeler v. Bartlett* (1832), 1 Edw. Chan. (N. Y.) 323, the Vice-Chancellor saying—

It could offer no impediment to the privilege of going to the polls, or of voting, or returning from them.

However, even Sunday service is merely irregular, and an attachment and injunction, based upon such service were discharged only upon entering an appearance: *Mackreth v. Nicholson* (1815), 19 Vesey, Jr. 367, 368.

At law, the statutory inhibition now receives a strict construction, and the technical meaning of the word *process* is taken as a guide. This was doubted at one time, in respect to elections—

In using so comprehensive a term as *process*, it may well be supposed that the legislature wished to provide, not only against arrest, or duress, but against any molestation that might interfere with the elector, in performing the high and sacred duty which the elective franchise imposes: CLERKE, J., *Meeks v. Noxon*, *supra*.

Now the stricter view prevails, and what is technically a notice (in the decided case, a notice of contest of election), can be served on a legal holiday: *Whitney v. Blackburn* (1889), 17 Ore. 564.

Where service of process is forbidden and would therefore be an irregularity, the judgment rendered thereon ought not to be void, but voidable, after the analogy of the voidable action of the Court upon a legal holiday (*supra*).

A judgment by default after service of summons on a day of general election was set aside upon entering an appearance: *Pierce v. Smith* (1856), Abb. Pr. (N. Y.) 411; but such judgments are never treated with much respect.

The judgment upon such service, should be prevented by motion to set aside the service, or perhaps by plea in abatement, as suggested in *Comer v. Jackson* (1873), 50 Ala. 384; *Whitney v. Blackburn supra*.

III. MINISTERIAL ACTS.

There are two questions in relation to ministerial acts performed in a public office, on a legal holiday. The first is determined by the language of the State Statute: by this test alone, the attendance and performance of duty by a public officer is required or not. The second is open to construction: unless the statute explicitly renders void any voluntary ministerial action, the officer may, if he chooses, perform the

act with the ordinary results. The following illustrations will unfold what acts have been held to be ministerial and performable upon holidays.

The docketing of a judgment is a ministerial act, mandatory by the words of the statute and not involving any discretion; much more is this true of the docketing of a transcript of a judgment rendered in another Circuit. Such action is valid, though performed on the 25th of December: *In re Worthington* (1877), U. S. Circ. Ct. W. Dist. Wis., 7 Biss. 455.

Similarly, in Pennsylvania, where a note contained a warrant of attorney, authorizing the confession of judgment, the Court refused to strike off the judgment, regularly entered on the twenty-second of February. That the entry had been made on a legal holiday, was the sole ground for the application. The Court said—

The question now presented is a new one, and has never been passed upon by our Supreme Court, at least in any reported case. Nor, in our judgment, is it sufficiently analogous to the numerous cases which have arisen under our statute in reference to the observance of Sunday, to render the authorities on that subject pertinent and decisive. * * * We have called attention to these facts in reference to the Sabbath as a *dies non*, for the purpose of showing that what are known as "legal holidays," bear no resemblance in their character to the Christian Sunday. These are wholly creatures of the statute law, and their effect and force must depend entirely on the legislative will, as expressed by the lawmaking power. * * * Our statute creating legal holidays, might, it seems to us, be reasonably construed as having reference exclusively to commercial paper, its presentation and protest. The doctrine of the law, as expressed in the familiar maxim, "*Expressio unius, exclusio alterius*," would justify such a construction. * * * The question presented then is reduced to this: Does the term, "legal holiday," imply an absolute *dies non juridicus*? If this question be answered in the affirmative, then are the entry of judgment and the issuing of an execution, by the prothonotary, such political acts as are contrary to the statute, and therefore voidable at the suggestion of the defendant, who alleges no other equity or defence whatever. * * * We look upon that portion of the statute which simply ordains the twenty-second of February to be a legal holiday, as directory and not imperative, permissive and not obligatory, and this for the reasons: first, because the statute contains no negative words, and, secondly, because it imposes no penalty, in both of which respects it differs from the law and the adjudications in reference to the Christian Sunday. The provision in the statute, that the legal holiday shall be as Sunday, applies only to commercial paper, its maturity and protest, and not to judicial acts, or to the worldly employment in general. We are also of the opinion that the things complained of in this case, viz: the entry of the judgment and the issuing of the execution, in obedience to a præcipe, by the prothonotary, were ministerial and not judicial acts: *WOODWARD, J., Paine & Co. v. Fesco & Co.* (1886), C. P. of Luzerne County, 1 Pa. County Rep. 562.

A somewhat stricter view has, however, been taken in another Pennsylvania Court: *infra*.

A sale for taxes is a ministerial act, and, in the absence of a statutory prohibition, may be made upon Christmas, notwithstanding doubts of the wisdom and propriety of so acting upon that day: *Hadley v. Musselman* (1885), 104 Ind. 459, 462. But this view has not been followed in Pennsylvania, where a sheriff's sale, which had been held upon the twenty-second of February, was set aside, solely on that ground. The Court said—

The sale was not void on that account, and if the Court should confirm the sale, the title would not be endangered; but when a sale is made on a legal holiday, and exceptions, for that reason, are duly filed, the sale must be set aside that effect may be given to the statute. The impropriety of advertising a sheriff's sale for the Fourth of July or Christmas, is apparent. Such days are not days for judicial, or legal, business, and no one can be required to attend to such business on those days. * * * No one is bound to labor, or attend to business on these days, but any one who chooses may do so, and whatever is done, will be well done. Holidays are not necessarily, and strictly, *dies non juridici*, so that no judicial, or legal, business can be done thereon. All ministerial acts are valid. The offices may be closed, and the officers may keep holiday, but, if they choose, they may do business. Judicial business cannot, with propriety, be done on a legal holiday, yet, so far as done, will be valid. If the Twenty-second of February falls within a regular term of court, it will be *dies non juridicus*, just as restoration day, in England, is, when it falls in Easter Term. But those days ought not to be fixed for any judicial, or legal, proceedings—as, for instance, for audits or judicial sales. It will be misleading, I think, to apply the English decisions respecting *dies non juridici*. * * * No one will doubt that a legal holiday is not a day for a sheriff's sale, because execution creditors, the defendant, and the bidders must not be compelled to attend to legal business on such a day: *Rowe, P. J., Rice v. Gable* (1884), C. P. Franklin Co., 1 Pa. County Rep. 567.

The issuance of a summons by a justice of the peace, on a legal holiday, is permissible because a ministerial, and not a judicial act, the justice performing both, but in the former, he exercises no judgment: *Weil v. Geier* (1884), 61 Wis. 414; *Smith v. Ihling* (1882), 47 Mich. 614. But no trial and no judgment would be valid on a holiday: *Lampe v. Manning* (1875), 38 Id. 673; *Hemmens v. Bentley* (1875), 32 Id. 89; S. C. 14 AMER. LAW REGISTER 705. It is otherwise when the statute is so construed that it contains no prohibition upon judicial action, not conflicting with the object of the holiday: *supra*, p. 145.

IV. NOTARIAL ACTS.

In several cases, the acts of a notary in taking a deposition and an acknowledgment of a deed, have been held valid, though performed upon a legal holiday, upon the general principle that such acts were not judicial, but simply private business: *Green v. Walker* (1889), 73 Wis. 550 per COLE, C. J.; *Slater v. Schack*, S. Ct. Minn. July 17, 1889; *Rogers v. Brooks* (1875), 30 Ark. 612, 629, ENGLISH, Ch. J. saying—

We have no statute prohibiting the taking of depositions on the fourth of July, though it is not in good taste for litigants to fix upon that day for taking their depositions, unless required by some emergency.

Wilson v. Bayley (1880), 42 N. J. Law 130, is in fact opposed to the preceding cases, but the provisions of the State law, in relation to legal holidays, were followed without any discussion of the general principle. The statute (*infra*) is peculiar in declaring that "no person shall be compelled to labor upon" a legal holiday. Upon the ground that the taking of depositions was the exerting of compulsory process by a branch of the court, this case has been approved in *Glenn v. Eddy*, S. Ct. N. J., March 11, 1889.

In *Green v. Walker* (1889), 73 Wis. 548, a deposition had been taken in Missouri, on February 22, to prove the right of property to be tried in an action of replevin in Wisconsin. The Circuit Court excluded the deposition, but the Supreme Court held this to be erroneous, COLE, C. J., saying—

"It is plain [that] our statute can have no extra-territorial effect. It could not prohibit the taking of a deposition in Michigan, or Missouri, merely by making the day, on which it was taken, a legal holiday. The legislature might, perhaps, provide that no such deposition, taken in another State, should be used as evidence in the courts of this State. * * * * We are not aware of any statute in this State which declares that a deposition, taken in another State, on a day which is made a legal holiday here, shall not be used as evidence in our courts. But the learned Circuit Court did not exclude the depositions on the ground that the taking of them was a judicial act, but thought that the policy of the law, or the purpose of it, was to exempt a citizen of the State from being called into court, for any purpose, on a legal holiday. The statute does not say that no person shall be required to attend to any business whatever on a legal holiday. If it did, it might be claimed, with much reason, that it would be a violation of the spirit of the law, to require a citizen to go to another State, to take a deposition, on such a day. There is no law which prohibits a citizen from laboring, or pursuing his worldly business, on any day of the week, except Sunday."

Taking depositions, on the fourth of July, or a general election day, is forbidden in Iowa.

V. PERFORMANCE OF CONTRACTS.

Maturing contracts, other than commercial paper, have received construction after the analogy of commercial paper, and this upon the express ground of uniformity. Such construction, however, is untenable where the statute does not expressly, or by construction, forbid the ordinary avocations of life: it has probably arisen from the confusion of thought which identifies a non-judicial day with the Sunday cessation of work.

Thus, in Wisconsin, the statute (*infra*) simply declares the days which are to be observed as holidays, and restricts the action of courts upon those days; still, a contract to deliver hogs on the first day of January, was held to have matured on the day previous, and the market price on that day, fixed the damages: *Siegbert v. Stiles* (1876), 39 Wis. 533.

The time for the further performance of contracts, (not works of necessity or charity) is expressly extended to the next secular day, in *California*, (see the statute), *Dakota*, *Idaho* and *Massachusetts*.

Speaking of the effect of the Kentucky Statute (*infra*), PRYOR, C. J., said—

“We find nothing in the Statute, prohibiting business transactions on Thanksgiving Day, or treating that day as the Christian Sabbath, except as to commercial paper, and being a mere privilege, extended to the citizen, that he may, or not, exercise, as his judgment dictates, he is required to perform his business engagements on that day, if, by the terms of his contract, such is his undertaking. The office of the insurance company was open on that day, and nothing to prevent the appellee from paying the assessments: *National Mut. Ben. Assn. v. Miller* (1887), 85 Ky. 88, 94.

VI. SCHOOL SESSIONS.

In the absence of statutory regulations, schools should be allowed the usual legal holidays and teachers suffer no deduction of salary: this upon the broad ground of conformity, as a decent usage in a civilized community: *School District v. Gage* (1878), 39 Mich. 484, 486.

There are statutory regulations in *Minnesota, Ohio, Vermont, West Virginia* and *Wisconsin*.

VII. NEGOTIABLE PAPER.

There is a want of uniformity in the day upon which commercial paper is payable, when the last day of grace happens upon a legal holiday. All the statutes fix the day, and have received literal interpretation by the Courts. There is little else to do than record the decisions as they fall into one of the classes of *payable before* or *payable after* the holiday.

Of the latter class, where the days of grace are extended to the next succeeding business day, are—

Alabama.	Louisiana,	New York, (see the statute.)
California, (see the statute.)	Missouri, (see the statute.)	North Carolina, (see the
Dakota.	Nebraska.	statute.)
Idaho.	New Mexico,	Oregon.

These States follow commercial use and allow only two days of grace, when the third would fall upon a legal holiday, by authorizing demand of payment and protest on the day next preceding the legal holiday—

Arkansas,	Kansas,	Ohio,
Colorado,	Kentucky,	Pennsylvania,
Connecticut,	Maine (see the statute),	Rhode Island,
Delaware,	Maryland (<i>infra</i>),	Tennessee,
District of Columbia,	Massachusetts,	Texas,
Florida,	Michigan (see the statute),	Vermont,
Georgia (<i>infra</i>),	Minnesota,	Virginia,
Illinois,	Mississippi,	West Virginia,
Indiana,	Montana,	Wisconsin,
Iowa,	Nevada,	Wyoming.
	New Hampshire,	

Usage at a bank, known to the parties to commercial papers, will be allowed to operate so as to make a college commencement-day (at Harvard University), such a holiday as to change the day for demanding payment; but usage cannot go further and authorize a tender, by the endorser, on the day after the commencement: *City Bank v. Cutter* (1826), 3 Pick. (Mass.) 414.

Arbor Day is not a bank holiday in six of the nine States where it is observed: See page 187, *infra*.

In unfortunate, because confusing phraseology, the statutes declare that legal holidays shall be considered as the first day of the week, commonly called Sunday, in—

Colorado,	Michigan,	Ohio,
District of Columbia,	Missouri,	Pennsylvania,
Georgia,	Nebraska,	Texas,
Illinois,	Nevada,	Vermont,
Kentucky,	New York,	Virginia,
Maryland,		Washington.

As a legal holiday may immediately precede a Sunday, provision is made for the payment which would have been due on such Sunday, to be made on the following Monday, in *Georgia, Louisiana, Maine* and *North Carolina*: but on the Friday preceding, in *Illinois* and *Missouri*.

Similarly, provision has been made, where payment would be due on a Monday, and that Monday happened to be a legal holiday, that payment may be made on the following Tuesday, in *Georgia, Maine, Nebraska, New York* and *North Carolina*: but on the preceding Saturday, in *Indiana, Minnesota, Missouri, Pennsylvania, Tennessee, Virginia* and *West Virginia*. And on the Monday itself in *Minnesota*, and at one time, in *Pennsylvania*, though this is no longer the law: *infra*.

When a legal holiday happens on a Sunday, and is transferred by law to the following Monday, such notes as fall due upon that Monday are made payable upon the preceding Saturday, in *Florida, Illinois, Maryland, North Carolina, Texas*, and *West Virginia*: but four days of grace are allowed, in *Maine*.

When a legal holiday happens on a Sunday, notes falling due on that Sunday are of course, payable as other notes falling due on Sunday, though there is a special statute, doubtless out of abundance of caution, in *Georgia*.

In *New Jersey*, a note falling due on the thirtieth of May, when a Sunday, can not be presented and protested for non-payment until the following Tuesday: *Hagerty v. Engle* (1881), 43 N. J. Law 299.

When the paper is not allowed days of grace, then payment is, without doubt, to be made on the next secular day *after* the holiday. This principle was settled in respect to Sunday, and has been applied to legal holidays, as the only just escape from the dilemma of payment falling due upon a day when it

could not lawfully be expected: the payment ought not to be required one day less than contracted for: and yet, the obligation to pay, being valid, must be discharged: *Commercial Bank of Kentucky v. Varnum* (1872), 49 N. Y. 269; s. c. 11 AMER. LAW REGISTER 407, citing *Avery v. Stewart* (1816), 2 Conn 69, and *Salter v. Burt* (1838), 20 Wend (N. Y.) 205 (both Sunday cases).

The difference between the time of payment of paper entitled to grace and that without grace, was explained in *Avery v. Stewart*, *supra* by SWIFT, C. J., thus—

The same custom of merchants, which has indulged three days of grace after a note is due, if that [last] day is not *Sunday*, allows but two where it is *Sunday*; and it being an indulgence, it is perfectly consistent to require payment on the second day of grace to avoid giving four days of grace; but this is a very different thing from requiring a note to be paid before it is due.

VIII. THE STATUTES.

The Code of Alabama provides—

§ 1759. Sunday, Christmas day, the first day of January, the twenty-second day of February, the twenty-sixth day of April, the Fourth day of July, the day designated by the proclamation of the Governor for public thanksgiving, Good Friday and Mardi Gras, shall each be deemed a holiday. If Christmas day, or the first day of January, or the twenty-second day of February, or the twenty-sixth day of April, or the fourth day of July falls on Sunday, the Monday following is a holiday. If any paper entitled to days of grace, by the allowance thereof, or subject to protest, becomes due on a holiday, it must be taken as due on the next succeeding business day. (Chap. 4, p. 423, ed. 1887, as amended by Act of February 26, 1889, p. 56.)

Arizona does not appear to have made any enactment on this subject; but it is to be observed that this Territory has no Sunday law.

Arkansas enacts—

SEC. 465. In all cases where bills of exchange, drafts, or promissory notes shall become due and payable on Sunday, Christmas, or on the fourth day of July, the same shall be payable on the day next preceding such Sunday, Christmas, and fourth of July, and, in case of non-payment, may be noted and protested on the next preceding day: *Provided*, that it shall not be necessary for the holder or holders of such bills of exchange, drafts, or promissory notes, to give notice of dishonor thereof until the next day after the Sunday, Christmas, or fourth of July, and every such notice, so given, shall be valid and effectual, to all intents and purposes: Digest, 1884, p. 246.

SEC. 5309. It shall be no objection to any process, writ, summons, affidavit, or order for a provisional remedy, that it was issued, made, or is dated on a holiday; nor shall it be an objection to any bond, given by or for any party to an action or taken by an officer in the course of the same, that it was made, or is dated, on such day: *Id.* p. 1018.

SEC. 5310. A summons or order for a provisional remedy, may be issued on any holiday, except Sunday, and on Sunday, where an affidavit of the plaintiff, or some other person, is made to the effect that, unless it is issued on that day, there is reasonable cause to believe that it cannot be executed: *Id.* p. 1018.

§ 5311. An order of attachment, or for the delivery of property, may be executed on any holiday except Sunday, and on Sunday when the officer having the process believes, or an affidavit of the plaintiff, or some other person is made to the effect that the affiant believes, that the property is about to be concealed or removed, or that the process cannot be executed after such holiday: *Id.* p. 1018.

SEC. 5312. A summons, subpoena, notice, order of arrest or injunction, may be issued on any holiday, except Sunday, and on Sunday, where the officer having the process, believes, or an affidavit of the plaintiff, or some other person, is made, to the effect that affiant believes, that the process cannot be executed after such holiday: *Id.* 1019.

Formerly the fourth of July was included as a kind of political Sunday: *Swinney v. Johnson* (1857) 18 Ark. 534.

California provides (Act of March 1, 1889, Laws, pp. 46, 47), by amendments to sections seven of the Civil Code and ten of the Code of Civil Procedure, that—

§ 7. Holidays, within the meaning of this Code, are: Every Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the twenty-fifth day of December, every day on which an election is held throughout the State, and every day appointed by the President of the United States, or by the Governor of this State, for a public fast, thanksgiving, or holiday. If the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, or the twenty-fifth day of December, fall upon a Sunday, the Monday following is a holiday.

The Civil Code (ed. 1885, p. 4) provides—

§ 9. All other days than those mentioned in the last two sections [*i.e.*, §§ 7 and 8, consolidated as above] are to be deemed business days for all purposes. *Id.*

§ 11. Whenever any act of a secular nature, other than a work of necessity or mercy, is appointed by law, or contract, to be performed upon a particular day, which day falls upon a holiday, it may be performed upon the next business day, with the same effect as if it had been performed upon the day appointed.

The Code of Civil Procedure, as amended by Act of March 1, 1889 (Laws, p. 46), provides—

§ 134. No court shall be open, nor shall any judicial business be transacted, on

Sunday, on the first day of January, on the twenty-second day of February, on the thirtieth day of May, on the fourth day of July, on the ninth day of September, on the twenty-fifth day of December, on a day in which an election is held throughout the State, or on a day appointed by the President of the United States, or by the Governor of this State, for a public fast, thanksgiving, or holiday, except for the following purposes :

1. To give, upon their request, instructions to a jury when deliberating on their verdict.
2. To receive a verdict or discharge a jury.
3. For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature; *provided*, that the Supreme Court shall always be open for the transaction of business; *and provided further*, that injunctions and writs of prohibition may be issued and served on any day.

The Constitution of California (Art. VI., Sec. 5), provides that the county courts, there known as Superior Courts, and possessing, generally, original jurisdiction, "shall always be open (legal holidays and nonjudicial days excepted). * * * Injunctions and writs of prohibition may be issued and served on legal holidays and nonjudicial days." Naturally, contention was made, that all other business, on such days, was prohibited, and the statutes cited above were consequently void: but the Court construed the Constitutional prohibition to apply to terms of court, otherwise leaving the legislature to allow the transaction of business in court, such as authorized by the statutes: *People v. Soto* (1884), 65 Cal. 621.

Colorado ordains (Gen. Stat., ed. 1883)—

SECTION 1. That the following days, viz.: the first day of January, commonly called New Year's Day; the twenty-second day of February, commonly called Washington's Birthday; the thirtieth day of May, commonly called Decoration Day; the fourth day of July; the twenty-fifth day of December, commonly called Christmas Day; and any day appointed, or recommended, by the governor of this State, or the President of the United States, as a day of fasting and prayer, or thanksgiving, shall, for all purposes whatsoever, as regards the presenting for payment or acceptance, and of protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, made after this Act shall take effect, also for the holding of courts, be treated and considered as is the first day of the week, commonly called Sunday; *Provided*, that in case any of the said holidays shall fall upon a Sunday, then the Monday following shall be considered as the said holiday, and all bills, drafts, checks, or other evidence of indebtedness, falling due or maturing on either of said days, shall be deemed as due or having matured on the day previous to the first of said days; and in case the return or adjourned day in any suit, matter or hearing before any courts, shall come on any day before mentioned, such suit, matter or proceeding, commenced or adjourned as aforesaid, shall not, by reason of coming on any such day, abate, but the same shall stand

continued on [*i.e.*, to] the next succeeding day, at the same time and place, unless the next day shall be the first day of the week, when, in such case, the same shall stand continued to the day next succeeding, at the same time and place; *Provided further*, nothing in this Act shall prevent the issuing or serving of process on any of the days above mentioned. (Chap. 40, p. 538.)

SEC. 15. Bills of exchange and promissory notes, maturing on Sunday, the fourth day of July, Christmas, or any day set apart by the President of the United States, or the governor, as a day of public fasting or thanksgiving, shall be deemed to fall due the previous day, and may be presented and protested accordingly. (Chap. 9, p. 146.)

AN ACT to establish Arbor Day (Approved, March 21, 1889).

SECTION 1. The third Friday of each year shall be set apart and known as "Arbor Day," to be observed by the people of this State in the planting of forest trees, for the benefit and adornment of public and private grounds, places and ways, and in such other efforts and undertakings as shall be in harmony with the general character of the day so established; *Provided*, That the actual planting of trees, may be done on the day designated, or at such other most convenient time as may best conform to local climatic conditions, such other time to be designated, and due notice thereof given by the several County Superintendents of Schools for their respective counties.

SECTION 2. The day, as above designated, shall be a holiday in all public schools of the State, and school officers and teachers are required to have the schools under their respective charge observe the day by planting of trees, or other appropriate exercises.

SECTION 3. Annually, at the proper season, the Governor shall issue a proclamation, calling the attention of the people to the provisions of this Act, and recommending and enjoining its due observance. The Superintendent of Public Instruction, and the respective County Superintendents of schools shall also promote, by all proper means, the observance of the day; and the said County Superintendents of schools shall make annual reports to the State Forest Commissioner of the action taken in this behalf in their respective counties. (Session Laws of 1889, p. 21.)

The Statute of Colorado, closing public offices, has already been printed, *ante*, p. 67.

Connecticut General Statutes (Revision of 1887) provide—

SEC. 1862. The first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, and the twenty-fifth day of December, or whenever any of said days shall fall upon Sunday, the Monday next following such day, and any day appointed, or recommended, by the Governor of this State, or the President of the United States, as a day of thanksgiving, fasting, or any religious observance, shall, for all purposes regarding the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank checks, and promissory notes, be treated as public holidays, and all such checks, bills, and notes, otherwise presentable for acceptance, or payment, on any of the said days, shall be deemed to be presentable therefor on the secular or business day next preceding such holiday, and in case, by reason of a public

holiday falling upon Sunday, the following Monday is deemed such holiday, as hereinbefore provided, the same shall be presentable on the Saturday preceding.

SEC. 1511. Every person who shall use fire-crackers, except on the fourth day of July, or other public holiday, under such regulations as the authorities of the town, city, or borough in which they are used, shall prescribe, shall be fined five dollars. (p. 341.)

SEC. 1512. Every person who shall discharge any cannon, pistol, gun, fire-crackers, torpedo, or any explosive, causing a loud report, or who shall, by ringing a bell, blowing a horn, beating a drum, or in any manner making any disturbing noise, or make a bonfire, between sunset on the third day of July, and four o'clock in the afternoon on the following day, or between eleven o'clock in the evening of July fourth and sunrise of the following day, shall be fined not more than five dollars. (*Id.*)

SEC. 1513. Every person who shall discharge any cannon, or other fire-arm, loaded with ball, bullet, shot, or other hard substance, on any fourth day of July, within the corporate limits of any city or borough, shall be fined not more than seven dollars. (*Id.*)

SEC. 1514. If any person shall be sick, or in such condition as likely to be injured in health, by noise or disturbance, a notice to that effect, signed by a practicing physician, may, during the third and fourth days of July, be conspicuously placed on the front of the house where such person is staying, and every person having knowledge of said notice, who shall, during the time such notice is displayed, make any disturbing noise, as defined in Section 1512, within four hundred feet of said house, shall be fined not more than five dollars. (*Id.*)

SEC. 1515. Whenever the fourth day of July shall occur on Sunday, and the celebration of American Independence shall be held on any other day, the provisions of the three preceding sections shall extend to, and in all respects have full force and effect on the day of such celebration, and to the same extent, meaning, and intention, as though such celebration had occurred on the fourth day of July. (*Id.*)

SEC. 1516. Nothing in the four preceding sections contained, shall apply to, or affect, any person engaged in blasting, nor to the ringing of any bell, for fire, factory, church, or funeral services, or purposes, nor to any military, sheriff, or police duty. (*Id.*)

Dakota Compiled Laws of 1887, provide—

§ 4749. Holidays are, every Sunday, the first day of January, the twenty-second day of February, the fourth day of July, the twenty-fifth day of December, the thirtieth day of May, every day on which an election is held throughout the Territory, and every day appointed by the President of the United States, or by the Governor of this Territory, for a public fast, thanksgiving, or holiday. (p. 813.)

§ 4750. If the first day of January, the twenty-second day of February, the fourth day of July, or the twenty-fifth day of December, falls upon a Sunday, the Monday following is a holiday. (*Id.*)

§ 4751. All other days than those mentioned in the last two sections, are to be deemed business days, for all purposes. (*Id.*)

§ 4752. Whenever any act of a similar nature, other than a work of necessity, or mercy, is appointed by law or contract to be performed upon a particular day,

which day falls upon a holiday, such act may be performed upon the next business day, with the same effect as if it had been performed upon the day appointed. (*Id.*)

§ 4524. Days of grace are allowed, unless there be an express stipulation to the contrary, as follows: 1. On all bills of exchange, or drafts, payable at sight, whether foreign or inland, the party or parties upon whom the same are drawn, shall have three days of grace after presentation for payment of the same; but Sundays and holidays are excluded from the computation of the aforesaid days of grace.

Delaware enacts—

SECTION 1. From and after the passage of this Act, payment of all notes, checks, or other instruments negotiable by the laws of this State, and becoming payable on Christmas day, or the fourth of July [or the day recommended by the Governor of this State as a day of thanksgiving, commonly called Thanksgiving Day, whenever the same shall be so recommended], shall be deemed to become due on the secular day next preceding the afore mentioned days respectively; on which said secular days, demand of payment may be made, and in case of non-payment, or dishonor of the same, protest may be made and notice given in the same manner as if such note, check, bill of exchange, or other instrument, fell due on the day of such demand, and the rights and liabilities of all parties concerned therein, shall be the same as in other cases of like instruments legally proceeded with; Provided, that nothing herein contained, shall be so construed as to render void any demand, notice, or protest made or given, as heretofore, at the option of the holder, nor shall the same be so construed as to vary the rights or liabilities of the parties to any such instruments heretofore executed. (Revd. Laws, p. 357, ed. 1874; Laws of 1855, vol. 11., chap. 195, as amended by Laws of 1861, vol. 1, chap. 14.)

SECTION 1. That whenever any legal holiday, other than Sunday, shall fall upon a Sunday, the next day shall be observed as such legal holiday; *provided*, that this Act shall not be construed to alter or change any law or custom concerning the payment of promissory notes, checks or bills of exchange. (L. of 1885, ch. 551, p. 793.)

The District of Columbia is provided with legal holidays, according to the Revised Statutes of the United States relating to the District, as follows :

SEC. 993. The following days, namely: The first day of January, commonly called New Year's day; the fourth day of July; the twenty-fifth day of December, commonly called Christmas day; and any day appointed or recommended by the President of the United States as a day of public fast or thanksgiving, shall be holidays within the District, and shall, for all purposes of presenting for payment or acceptance, for the maturity and protest, and giving notice of the dishonor of bills of exchange, bank checks, and promissory notes, or other negotiable or commercial paper, be treated and considered as is the first day of the week commonly called Sunday. And all notes, drafts, checks, or other commercial or negotiable paper, falling due or maturing on either of said holidays shall be deemed as having matured on the day previous. (p. 116).

Act of January 31, 1879 (20 Stat. L. 277), provides: That section nine hundred and ninety-three of the Revised Statutes of the United States, relating to the

District of Columbia, be, and the same is amended by adding to the days therein declared to be holidays within the District, the twenty-second day of February; and such day shall be a holiday for all the purposes mentioned in said section: *Provided*, That this act shall not apply to the twenty-second day of February, eighteen hundred and seventy nine.

By Joint Resolution, approved April 16, 1880, (21 Stat. L. 304) it was provided: That the employees of the Government Printing Office shall be allowed the following legal holidays with pay, to wit: the first day of January, the twenty-second day of February, the fourth day of July, the twenty-fifth day of December, and such day as may be designated by the President of the United States as a day of public fast or thanksgiving: *Provided*, That the said employees shall be paid for these days only when the employees at the other government departments shall be so paid: *And provided further*, That nothing herein contained shall authorize any additional payment to such employees as receive annual salaries.

The Act of June 18, 1888 (25 Stat. at Large, p. 185), provides: That section nine hundred and ninety-three of the Revised Statutes of the United States relating to the District of Columbia, be and the same hereby is amended by adding to the days therein declared to be holidays within the said District, that day upon which the President of the United States is inaugurated. otherwise called inauguration day, and that such day shall be a holiday for all purposes mentioned in said section.

The Act of August 1, 1888 (25 Stat. at Large 353), provides: That the thirtieth day of May in each year, usually called "Decoration Day," shall be and hereby is made a holiday within the District of Columbia as fully in all respects as are the days mentioned in section nine hundred and ninety-three of the Revised Statutes of the District of Columbia.

Florida enacts (McClellan's Dig., ed. 1881)—

SEC. 4. The following days, namely: The first day of the week, commonly called Sunday; the first day of January, commonly called New Year's day; the twenty-second day of February, known as Washington's birthday; the fourth day of July, called Independence day; the twenty-fifth day of December, known as Christmas day; any general election day, and any day appointed or recommended by the Governor of this State or the President of the United States as a day of thanksgiving or fasting and prayer, or other religious observance—shall, for all purposes whatsoever as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, made after the passage of this law, be treated and considered as public holidays, and all such bills, checks and notes otherwise presentable for acceptance or payment on the said days, shall be deemed to be presentable for acceptance or payment on the secular or business day next preceding such holiday. (p. 457.)

SEC. 5. Whenever the first day of January, the twenty-second day of February, the fourth day of July, or the twenty-fifth day of December, shall fall on a Sunday, the Monday following shall be deemed a public holiday for all or any of the purposes aforesaid: *Provided, however*, that in such cases all bills of exchange, checks and promissory notes. made after passage of this law, which would otherwise be presentable for acceptance or payment on said Monday, shall be deemed to be presentable for acceptance or payment on the Saturday preceding. (p. 458.)

The Code of Georgia (ed. 1882) provides—

§ 2783. The following days, viz: the first of January, commonly called New-year's day; the twenty-second of February, known as Washington's birth-day; the twenty-sixth day of April, known as Decoration day; the fourth day of July, called Independence day; the twenty-fifth day of December, known as Christmas day; and any day appointed or recommended by the Governor of the State, or the President of the United States, or any municipal authority, as a day of thanksgiving or fasting, and prayer, or other religious observances, shall for all purposes whatsoever, as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, made after February twenty-third, 1875, be treated and considered as the first day of the week, commonly called Sunday, and as public holidays; and all such bills, checks, and notes, otherwise presentable for acceptance or payment on said days shall be deemed to be presentable for acceptance or payment on the secular day next preceding such holidays. (p. 697.)

§ 2783 (a). Whenever the first day of January, twenty-second day of February, the twenty-sixth day of April, the fourth day of July, or the twenty-fifth day of December shall fall upon Sunday, the Monday next following shall be deemed a public holiday, and papers due on such Sunday, shall be payable on the Saturday next preceding, and papers which would otherwise be payable on said Monday, shall be payable on the Tuesday next thereafter. Whenever either of the days shall fall on Saturday, the papers due on the Sunday following shall be payable on the above named Monday next succeeding. Whenever either of the said days shall fall on Monday the papers which would otherwise be payable on that day shall be payable on the Tuesday next succeeding. (*Id.*)

§ 3614. Sundays and holidays shall in no case be included in the computation of the time within which an appeal shall be entered [except that holidays are included in the computation in cases of appeal from Justices' Courts]. (p. 923.)

Idaho enacts (Revised Stat. in force June 1, 1887)—

SEC. 10. Holidays within the meaning of these Revised Statutes, are: Every Sunday, the first day of January, the twenty-second day of February, the fourth of July, the twenty-fifth day of December, every day on which an election is held throughout the Territory, and every day appointed by the President of the United States, or the Governor of this Territory, for a public fast, thanksgiving, or holiday. (p. 62.)

SEC. 11. The time within which any Act provided by law is to be done, computed by excluding the first day, and including the last, unless the last day is a holiday, and then it is also excluded. (*Id.*)

SEC. 12. Whenever any Act of a secular nature, other than a work of necessity or mercy, is appointed by law or contract to be performed upon a particular day, which day falls upon a holiday, such Act may be performed upon the next business day, with the same effect as if it had been performed upon the day appointed. (*Id.*)

SEC. 1299. The last Monday in April in each year, is set apart for and hereby declared to be a legal holiday in Idaho Territory, to be known as "Arbor Day," and is so declared for the purpose of encouraging the planting and setting out of trees in said Territory. (p. 194.)

The Illinois Revised Statutes (ed. 1889), provides—

§ 17. The following days, to wit: the first day of January, commonly called New Year's Day; the twenty-second day of February; the thirtieth day of May; the fourth day of July; the twenty-fifth day of December, commonly called Christmas day, and any day appointed or recommended by the Governor of this State, or by the President of the United States, as a day of fasting or thanksgiving, are hereby declared to be legal holidays, and shall, for all purposes whatsoever, as regards the presenting for payment or acceptance, the maturity and protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, or other negotiable or commercial paper or instruments, be treated and considered as is the first day of the week, commonly called Sunday. When any of such holidays fall upon Sunday, the Monday next following shall be held and considered such holiday. All notes, bills, drafts, checks or other evidence of indebtedness, falling due or maturing on either of said days, shall be deemed as due or maturing on the day previous, and when two or more of these days come together, or immediately succeeding each other, then such instruments, paper or indebtedness shall be deemed as due or having matured on the day previous to the first of such days. (p. 945.)

§ 22. The days upon which the general state, or county, or city election shall hereafter be held in such city, village, or incorporated town [adopting the act of June 19, 1885], shall be holidays, and shall, for all purposes whatever, as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank checks, and promissory notes, and as regards days of grace upon commercial paper, be treated and considered as is the first day of the week, commonly called Sunday. (p. 638.)

§ 1. That the Governor shall annually in the spring, designate by official proclamation, a day to be designated as "Arbor Day," to be observed throughout the State as a day for planting trees, shrubs and vines, about the homes and along highways, and about public grounds within this state, thus contributing to the wealth, comforts and attractions of our State. (p. 133.)

Indiana provides (Elliott's Supp., 1889)—

SEC. 66. All election days shall be legal holidays throughout the district or municipality in which the election is held. (p. 451; Act of March 6, 1889.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the above cited Act be amended to read as follows: The following dates, to wit: The first day of the week, commonly called Sunday; the first day of January, commonly called New Year's day; the fourth day of July; the twenty-fifth day of December, commonly called Christmas day, and any day appointed or recommended by the President of the United States or the Governor of the State of Indiana, as a day of public fast or thanksgiving; the twenty-second day of February, commonly called Washington's birthday; and the thirtieth day of May, commonly called Memorial day; the day of a general, national, or State election, shall be holidays within the State of Indiana, for all purposes of presenting for payment or acceptance for the maturity and protest, and giving notice of dishonor of bills of exchange, bank checks, promissory notes, or other negotiable or commercial paper, falling due or maturing on either of said holidays, shall be deemed as having matured on the day previous, and when any of said holidays come on

Monday, all bills of exchange, bank checks, promissory notes, or other negotiable or commercial paper maturing thereon shall be deemed as having matured on Saturday previous, and when the legal holiday comes on Sunday, the day following shall be the holiday. (p. 550; Act of March 5, 1889.)

The Iowa Revised Code (ed. 1888) provides—

SEC. 2094. The first day of the week, called Sunday; the first day of January; the thirtieth day of May; the fourth day of July; the twenty-fifth day of December; and any day appointed or recommended by the Governor of this State, or by the President of the United States, as a day of fasting or thanksgiving, shall be regarded as holidays for all purposes relating to the presenting for payment or acceptance, and the protesting and giving notice of the dishonor of bills of exchange, bank checks, and promissory notes; and any bank or mercantile paper falling due on any of the days above named, shall be considered due on the preceding day. (p. 771.)

SEC. 2626. No member of the General Assembly shall be held to appear or answer any civil action or special proceeding, in any court of record, or inferior court, while such General Assembly is in session, nor shall any person be so held to answer or appear in any such court, on the first day of January, the fourth day of July, the twenty-fifth day of December, or on any day of thanksgiving appointed by the President of the United States or by the Governor of this State. (p. 910.)

SEC. 3722. Reasonable notice of the name of a witness and the time and place when the same will be taken, must be given to the opposite party; but if notices are given in the same case by the same party, and of the taking of depositions at different places upon the same day, they shall be invalid; and no party shall be required to take depositions on the day of the general election, or on the fourth day of July. (p. 1198.)

Kansas enacts (Comp. Laws of 1885)—

(571) SEC. 5. Whenever the third day of grace falls upon Sunday, the fourth day of July, the twenty-fifth day of December, the first day of January, or upon any day appointed by the President of the United States, or [the Governor of] this State, for a day of public fast or thanksgiving, the next preceding business day shall be deemed the last day of grace. (p. 125.)

And the Kansas' laws of 1886 (ch. 125) provide—

SECTION 1. That the thirtieth day of May of each year shall be and the same is hereby declared to be a legal holiday. (p. 168.)

The General Statutes of Kentucky (chap. 51, p. 714, ed. 1887), as amended by Act of April 2, 1888, provide—

§ 1. The twenty-second day of February, the thirtieth day of May, the fourth day of July, the twenty-fifth day of December, of each year, and all days appointed by the President of the United States, or by the Governor of this Commonwealth, as days of fasting or thanksgiving, are declared holidays, on which all the public offices of this Commonwealth may be closed; and shall be treated and considered as Sunday, or the Christian Sabbath, for all purposes regarding the presenting for

payment, or acceptance, and of protesting for, and giving notice of dishonor of bills of exchange, bank checks, and promissory notes, placed by law on the footing of bills of exchange.

§ 2. If any of these days, named as holidays, shall occur on Sunday, the next day thereafter shall be observed as [a] holiday; but bills of exchange, or other paper, may be presented for payment or acceptance, on the Saturday preceding such holiday, and proceeded on accordingly.

Louisiana establishes legal holidays by the following laws—

ART. 207. No citation can issue, no demand can be made, no proceeding had, nor suits instituted on Sundays, on the Fourth of July, on the first or eighth of January, on the twenty-fifth of December, twenty-second of February, or on Good Friday; nor shall any arrest be made after sunset, on any individual, in his domicile. (Code of Practice, ed. 1875, p. 77.)

AN ACT making Shrove Tuesday, or Mardi Gras, a legal holiday.

SECTION I. *Be it enacted, etc.*, That the day known as Shrove Tuesday, or Mardi Gras, be and is hereby declared a legal holiday throughout the State of Louisiana. (Approved, Apl. 23, 1872, Laws, p. 95.)

AN ACT to amend, etc.

SECTION I. *Be it enacted, etc.*, That Section six of an Act entitled "An Act relative to bills of exchange and promissory notes," approved March ninth, 1855, be amended and re-enacted so as to read as follows:—

That the following shall be considered as days of public rest in the State, namely: The first day of January, the eighth of January, the twenty-second of February, Fourth of July, twenty-fifth of December, twelfth of February, Sundays and Good Fridays, and all promissory notes and bills of exchange shall be due and payable the day following the third, or last day of grace, if the third, or last day of grace be a Sunday or legal holiday, as herein provided; and should the day succeeding the last, or third day of grace also be a Sunday or legal holiday, then promissory notes and bills of exchange shall be payable on the following day, not a Sunday or legal holiday; and in computing the delay allowed for giving notice of non-acceptance or non-payment of a bill of exchange or promissory note, the days of public rest shall not be counted, and if the day or two days next succeeding the protest for non-acceptance or non-payment shall be days of public rest, then the day following shall be computed as the first day after the protest. (Approved March 16, 1870, Laws, p. 98.)

Maine provides (Rev. Stat., ed. 1884)—

SEC. 9. On any promissory note, inland bill of exchange, draft, or order, for the payment of money, payable in this State at a future day, or at sight, and not on demand, a grace of three days is allowed. If the third day is Sunday, a day of public fast or thanksgiving, appointed by the Governor and Council, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, or Christmas day, two days are allowed. If the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of

July, or Christmas, is Monday, and it is the third day of grace, or is Saturday, and the following Sunday is the third day of grace, or is Sunday and it is the second day of grace, four days are allowed. (Chap. 32, p. 334.)

SEC. 48. No court shall be held on Sunday, on any day designated for the annual fast or thanksgiving, or for the choice of Presidential electors, the thirtieth of May, fourth of July, the day of the State election, or on Christmas day; and when the time fixed for a term of said court falls on either of said days, it shall stand adjourned until the next day, which shall be deemed the first day of the term for all purposes. (Chap. 77, p. 637.)

SEC. 79. No person shall be arrested, in a civil action, on mesne process, or execution, or on a warrant for taxes, on the day of annual fast, or thanksgiving, the thirtieth of May, the fourth of July, or Christmas; and, on the day of any military training, inspection, review, or election, no officer or soldier, required by law to attend the same, shall be arrested on any such process. (Chap. 81, p. 687.)

SEC. 80. No elector shall be arrested, except for treason, felony, or breach of the peace, on the days of election of the United States, State, or town officers. (id.)

Maryland ordains (Act of February 17, 1882, Laws, pp. 59–60), by—

An Act to designate the holidays to be observed in the acceptance and payment of bills of exchange, bank checks, drafts and promissory notes.

SECTION 1. *Be it enacted*, etc., That the following days in each and every year, viz.: The first day of January, commonly called New Year's day; the twenty-second day of February, known as Washington's birthday; the fourth day of July, called Independence Day; the twenty-fifth day of December, known as Christmas Day; Good Friday; and all days of general and Congressional elections throughout the State; and all special days that may be appointed or recommended by the Governor of this State, or by the President of the United States, as days of thanksgiving or fasting and prayer, or other religious observance, or for the general cessation of business, shall be regarded as legal holidays, and shall be duly observed as such, and shall for all purposes whatsoever, as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank checks, drafts and promissory notes, be treated and considered as the first day of the week, commonly called Sunday; and all such bills, checks, drafts and notes presentable for acceptance or payment on these said days shall be deemed to be presentable for acceptance or payment on the secular or business day next preceding such holiday.

SEC. 2. *Be it enacted*, That whenever the first day of January, the twenty-second day of February, the fourth day of July, or the twenty-fifth day of December shall, either of them, occur on Sunday, the Monday next following shall be deemed and shall be treated as a public holiday for all or any of the purposes aforesaid; provided, however, that in such case all bills of exchange, bank checks, drafts and promissory notes, which would otherwise be presentable for acceptance or for payment on either of the Mondays so observed as a holiday, shall be deemed to be presentable for acceptance or for payment on the Saturday next preceding such holiday, and such Mondays so observed shall for all purposes whatever, as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank checks, drafts and promissory

notes, be also treated and considered as the first day of the week, commonly called Sunday.

Massachusetts (Public Stat., ed. 1882) enacts—

SEC. 34. The general court [*i. e.* the Legislative body,] shall hold no session for the transaction of ordinary business on Thanksgiving, Fast or Christmas day, the twenty-second day of February, the thirtieth day of May, the fourth day of July, nor on the following day when either of the three days last mentioned occurs on Sunday, and the public offices shall be closed on said days. (Chap. 2, p. 57.)

SEC. 8. Bills of exchange, drafts, promissory notes, and contracts, due and payable or to be performed on a Sunday, on a Fast or Thanksgiving day appointed or recommended by the Governor of the Commonwealth, or by the President of the United States, on Christmas day, on the twenty-second day of February, on the thirtieth day of May, on the fourth day of July, or on the following day when either of the three days last mentioned occurs on a Sunday, shall be payable or performable upon the business day preceding said days; and, in case of non-payment or non-fulfilment, may be noted or protested upon such preceding day; but the holder or holders of such obligations need not give notice of the dishonor, non-payment, or non-fulfilment thereof until the business day next following the days above specified. (Chap. 77, p. 427.)

SEC. 4. Courts shall not be opened on Sunday, Thanksgiving, Fast or Christmas day, the twenty-second day of February, the thirtieth day of May, the fourth day of July, or the following day when either of the three days just mentioned occurs on Sunday, unless for the purpose of entering or continuing cases, instructing or discharging a jury, receiving a verdict or adjourning; but this section shall not prevent the exercise of the jurisdiction of any magistrate in criminal cases to preserve the peace or arrest offenders. (Chap. 160, p. 918.)

AN ACT relating to sessions of Probate Courts, which occur on legal holidays or on the day of the National or State election.

SECTION 1. Whenever a regular term of any Probate Court shall occur on a legal holiday or on the day of any National or State election, said probate court shall be held on the next secular day thereafter; and all notices, citations, orders, and other papers which are made returnable to said regular term shall be held and deemed returnable to said next secular day, and the proceedings thereon shall be held and deemed to be of the same force and validity as if said notices, citations, orders, and other papers had been made returnable to said next secular day. (Acts of 1884. Chap. 141, p. 121.)

AN ACT to make the first Monday of September known as Labor's Day a legal holiday.

SECTION 1. The first Monday of September in each year, being the day celebrated and known as Labor's Holiday, is hereby made a legal public holiday, to all intents and purposes, in the same manner as Thanksgiving, Fast and Christmas days, the twenty-second of February, the thirtieth day of May and the fourth day of July, are now by law made public holidays. (Act of 1887. Chap. 263, p. 893.)

AN ACT to prohibit the sale of intoxicating liquor, on Fast Day, Memorial Day, Thanksgiving Day and Christmas Day.

SECTION 1. Any common victualler, having a license to sell intoxicating liquors under either of the first three classes of section ten of chapter one hundred of the Public Statutes, who shall sell, give away or deliver, on the licensed premises, any of such liquors on Fast day, or on the thirtieth day of May, commonly called Memorial day, or Thanksgiving day, or on the twenty-fifth day of December, commonly called Christmas day, or on the twenty-sixth day of December when the said Christmas day falls upon Sunday, shall be liable to the penalty prescribed in section eighteen of chapter one hundred of the Public Statutes or in acts in amendment thereof. (Acts of 1888, ch. 254, p. 206.)

SECTION 2. Any innkeeper having a license to sell intoxicating liquors, who shall, on either of the days named in the first section of this Act, sell, give away or deliver, in his inn, any intoxicating liquors, except to bona fide guests or travellers sojourning at his inn, shall be liable to the penalty above prescribed. (id.)

Michigan (Howell's Compiled Stat., ed. 1882) enacts—

§ 1591. That the following days, viz.: The first day of January, commonly called New Year's day; the twenty-second day of February, commonly called Washington's birthday; the fourth of July; the twenty-fifth day of December, commonly called Christmas day; the thirtieth day of May, commonly called decoration day, and any day appointed or recommended by the Governor of this State, or the President of the United States, as a day of fasting and prayer or thanksgiving, shall, for the purposes of presenting for payment or acceptance, and of protesting notice of the dishonor of bills of exchange, bank checks, and promissory notes, made after this Act shall take effect, also for the holding of courts, be treated and considered as the first day of the week, commonly called Sunday. *Provided*, that in case any of the holidays shall fall upon a Sunday, then the Monday following shall be considered as the said holiday. *Provided also*, that in case the return or adjourn day in any suit, matter, or hearing before any court officer, referee or arbitrators shall come on any of the days first above named except Sunday, such suit, matter or proceeding, commenced or adjourned as aforesaid, shall not, by reason of coming on any of such days except Sunday, abate, but the same shall stand continued on the next succeeding day, at the same time and place, unless the next day shall be the first day of the week, or a holiday, in which case the same shall stand continued to the day next succeeding said first day of the week or holiday, at the same time and place: *Provided further*, that whenever the first day of the general term of any circuit court, as fixed by the order of a circuit judge, shall fall upon either of the days first above named, or whenever any circuit court shall be adjourned to any of the days first above named, such court may be adjourned to the next succeeding secular day. *Provided further*, that nothing in this section shall make invalid a presentation, demand, or notice of dishonor of commercial paper on any such holiday, other than Sunday, in cases where the same shall not have been presented on the secular day next preceding such holiday. (p. 455.)

§ 2274. All saloons, restaurants, bars, in taverns or elsewhere, and all other places where any of the liquors mentioned in sections one and two of this Act [*i.e.* spirituous, malt, brewed, fermented, or vinous liquors, or any beverage containing the same] are or may be sold, or kept for sale, either at wholesale or retail, shall be closed on the first day of the week, commonly called Sunday, on all election

days, on all legal holidays, and until seven o'clock of the following morning, and on each week-day night from and after the hour of nine o'clock, until seven o'clock of the morning of the succeeding day. The word "closed" in this section shall be construed to apply to the back door as well as to the front door. And in prosecutions under this section, it shall not be necessary to prove that any liquor was sold: *Provided* that in all cities and incorporated villages, the common council may, by ordinance, allow the saloons and other places where said liquor shall be sold, to remain open not later than ten o'clock on any such week-day night. (p. 598.)

CONCURRENT RESOLUTION. *Resolved* (the House concurring), That the Governor is hereby requested to call the attention of the people of this State to the importance of planting trees for ornament and shade, by naming a day upon which this work shall be given special attention, to be known as "Arbor Day." (Approved March 26, 1885, Laws, p. 378.)

The General Statutes of Minnesota provide—

"§ 1. That the twenty-second day of February, the anniversary of the birthday of Washington, and the thirtieth day of May, known as "Memorial Day," shall be observed in this State as a national holiday each and every year hereafter; that no public business, except in case of necessity, shall be transacted on that day; and that no civil process shall be served on that day." (Chap. 124, vol. 1, ed. 1878, p. 1009, as amended by Act of April 24, 1889, Laws, p. 203.)

"§ 2. He [the Governor] shall, by proclamation, set apart one day in each year as a day of solemn and public thanksgiving to Almighty God for his blessings to us as a State and nation; and no business shall be transacted on that day at any of the departments of State." (Chap. 6, vol. 1, ed. 1878, p. 85.)

"§ 10. Bills of exchange, drafts, promissory notes and contracts, due or payable, or to be executed on Sunday, Thanksgiving day, Good Friday, Christmas day, New Year's day, the twenty-second day of February, the Fourth of July, or on the following day, when either of the four days last mentioned occurs on Sunday, shall be payable or performable upon the business day next preceding said days; and in case of non-payment or non-fulfilment, shall be noted and protested upon such preceding day; but notice of the dishonor, non-payment or non-fulfilment need not be given until the business day next following the days above specified." (Chap. 23, vol. 1, ed. 1878, p. 316.)

"§ 31 *a*. In any contract between any teacher and board of trustees, or board of education, a school month shall be construed and taken to be twenty days, or four weeks of five school days each; and no teacher shall be required to teach school on Christmas day, the first day of January, the Fourth of July, Memorial day, or the day appointed by the President of the United States or the Governor of the State, as a day of thanksgiving; and no deduction from the teacher's time or wages shall be made by reason of the fact that a school day happens to be one of the days referred to in this section; and any contract made in violation of this section shall have no force or effect as against the teacher." (Act March 5, 1887, c. 122, § 1: 2 Gen. Stat., ed. 1888, p. 439.)

"§ 31 *b*. In reckoning attendance, the standing of no scholar shall be affected by reason of non-attendance upon any of the days named in section one of this act whenever they occur within the school term, the same as if the school had been held and all had been present." (Id. § 2.)

The Revised Code of Mississippi (ed. 1880), provides—

§1132. When the day on which any bill of exchange or promissory note should be presented for acceptance or payment according to its terms, shall be a Sunday, New Year's day, Fourth of July, or Christmas day, it shall be presentable on such day next before the day on which by its terms it is presentable, as shall not be one of the days herein specified. (p. 332.)

The Revised Statutes of Missouri (ed. 1889), provide—

SEC. 737. The following days, namely: The first day of January, the twenty-second day of February, the fourth day of July, any general State election day, any thanksgiving day appointed by the Governor of this State, or by the President of the United States, and the twenty-fifth day of December, are hereby declared and established public holidays, and when any such holiday falls upon Sunday, the Monday next following shall be considered such holiday. For all purposes whatsoever, as regards the presenting for payment or acceptance, and of presenting and giving notice of the dishonor of bills of exchange, bonds, promissory notes or other mercantile paper, such holidays shall be treated and considered the same as the first day of the week, commonly called Sunday, and all bills of exchange, bonds, promissory notes, or other mercantile paper falling due on such holiday or Sunday, shall be considered as falling due on the next succeeding day, unless such succeeding day be a holiday, or Sunday, in such case it shall be considered as falling due the day previous. (Vol. 1, ch. 18, p. 257.)

SEC. 8952. No person, on Sunday, on the fourth day of July, on the first day of January, or any general State election day, on any thanksgiving day appointed by the Governor of this State or the President of the United States, or on the twenty-fifth day of December, and the twenty-second day of February, shall serve or execute any writ, process, warrant, order or judgment, except in criminal cases, or for a breach of the peace, or when the defendant is about leaving the county, or in any case of attachment when the debtor is about fraudulently to secrete or remove his effects; and the service of every such writ, process, warrant, order or judgment, shall be void, and the person serving, or executing the same shall be as liable to the suit of the party aggrieved as if he had done the same without any writ, process, warrant, order or judgment. (Vol. 2, ch. 175, p. 2065.)

SEC. 525. * * * Where the affidavit for an attachment states that the plaintiff will lose his claim unless the writ of attachment issues, and be served, on Sunday, or on any legal holiday, the writ may be issued and served on that day. (p. 220.)

The Code of Civil Procedure of Montana provides (Comp. Stat., ed. 1888)—

SEC. 531. No court shall be opened, nor shall any judicial business be transacted on Sunday, New Year's day, Fourth of July, Christmas day, Washington's birthday, Thanksgiving day, or on a general election, except for the following purposes: *First.* To give, upon their request, instructions to a jury then deliberating on their verdict. *Second.* To receive a verdict or discharge a jury. *Third.* For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature. *Fourth.* When it shall appear by the affidavit of the plaintiff, or some one in his behalf, in cases for the recovery of specific personal

property, that the defendant is about to conceal, dispose of, or remove such property out of the jurisdiction of the court, an order for taking possession of the same may be issued on any day. *Fifth.* When an application for a writ of attachment is made, and it shall appear by the affidavit of the plaintiff, or some one in his behalf, that the defendant is about to dispose of, conceal, or move property subject to execution or attachment, out of the jurisdiction of the court, a writ of attachment may be issued on any day. (p. 199.)

When the day fixed for the opening of a court shall fall on any of the days mentioned in this section, the court shall stand adjourned until the next succeeding day. (p. 200.)

The General Laws of Montana provide (Comp. Stat., ed. 1888)—

SEC. 158. Bills of exchange and promissory notes falling due on Sunday, the fourth day of July, Christmas, or any day set apart by the President of the United States, or the Governor of this Territory, as a day of public fasting or thanksgiving, shall be deemed to fall due on the previous day; and may be prosecuted and protested accordingly. (p. 636.)

Nebraska compiled Statutes (ed. 1889) provide—

SEC. 38. No court can be opened, nor can any judicial business be transacted on Sunday, or on any legal holiday, except: First—To give instructions to a jury then deliberating on their verdict. Second—To receive a verdict, or discharge a jury. Third—To exercise the powers of a single magistrate in a criminal proceeding. Fourth—To grant or refuse a temporary injunction or restraining order. (Act of March 21, 1889, Laws p. 379–380.)

SEC. 8. That the following days, to wit: the first day of January, February twenty-second, and the twenty-second of April, which shall be known as "Arbor Day," the twenty-fifth day of December, the thirtieth day of May and July fourth, and any day appointed, or recommended by the Governor of this State, or the President of the United States, as a day of fast, or thanksgiving, and when any one of these days shall occur on Sunday, then the Monday following, shall, for all purposes whatsoever, as regards the presenting for payment or acceptance, and the protesting and giving notice of the dishonor of bills of exchange, bank checks, or promissory notes, made after the passage of this Act, be deemed public holidays, and be treated and considered as is the first day of the week, commonly called Sunday. *Provided,* That when any one of these days shall occur on Monday, any bill of exchange, bank check, or promissory note, made after the passage of this Act, which but for this Act would fall due and be payable on such Monday, shall become due and payable on the day thereafter. (Ch. 41, p. 523.)

SEC. 9. The first Monday in the month of September in each year, shall hereafter be known as "Labor Day," and shall be deemed a public holiday, in like manner and to the same extent as the holidays provided for in Section 8 of Chapter 41 of the Compiled Statutes of 1887. (Id. Act of March 29, 1889, Laws p. 579.)

Nevada (Gen. Stat., ed. 1885) enacts—

2469. SEC. 50. No court shall be open, nor shall any judicial business be transacted on Sunday, on New Year's day, on Washington's Birthday, on the thirtieth of May, commonly known as Memorial day, on the Fourth of July, on Thanks-

giving Day, on Christmas Day, or any day on which the general election is held, except for the following purposes: First—To give upon their request, instructions to a jury then deliberating on their verdict. Second—To receive a verdict or discharge a jury. Third—For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature. Fourth—For the issue of a writ of attachment, which writ may be issued on each and all of the days above enumerated, upon the plaintiff, or some person in his behalf, setting forth in the affidavit required by law for obtaining said writ, the additional averment, as follows: That the affiant has good reason to believe, and does believe, that it will be too late for the purpose of acquiring a lien by said writ, to wait till a subsequent day for the issuance of the same. And all proceedings instituted and writs issued and official acts done on any of the days above specified, under and by virtue of this section, shall have all the validity, force and effect of proceedings commenced on other days, whether a lien be obtained or a levy made under and by virtue of said writ. (p. 655.)

4879. SECTION 1. The following days, namely: The first day of January, Washington's birthday, or the twenty-second day of February, the fourth day of July, thanksgiving day on the proclamation of the Governor, the twenty-fifth day of December, commonly called Christmas day, shall for all purposes whatsoever as regards the presenting for payment, or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, checks and promissory notes, made after the passage of this Act, be treated and considered as is the first day of the week, usually called Sunday. Three days, commonly called days of grace, shall be allowed, except on sight bills or drafts; and any one of the holidays specified in this act coming within the three days of grace shall be counted as one of such days. (p. 1085.)

4880. SECTION 1. All bills of exchange, checks, promissory notes, or other negotiable instruments, which, by the terms thereof, are payable with or without grace, if the day for the payment thereof shall fall on any Sunday, or on any of the holidays designated in that certain Act, entitled, "An Act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes," approved October thirtieth, eighteen hundred and sixty-one [*Supra*, 4879,] the same shall become due and payable on the day previous to any of the days aforesaid. (p. 1085.)

CHAP. XLIV. AN ACT establishing Arbor Day (approved February 10, 1887).

SECTION 1. Arbor Day is hereby established in the State of Nevada, and shall be fixed, each year, by proclamation of the Governor, at least one month before the fixing of such date, and it shall be observed as a holiday by the public schools of the State; *provided*, that nothing in this Act shall be so construed as making this a legal holiday, so far as the courts and civil contracts are concerned.

SEC. 2. His Excellency the Governor, is requested to make proclamation, setting forth the provisions of the first section of this Statute, and recommending that Arbor Day, so established, be observed by the people of the State, in the planting of trees, shrubs, and vines, in the promotion of forest growth and culture, in the adornment of public and private grounds, places and ways, and in such other efforts and undertakings as shall be in harmony with the character of the day so established. (Laws, p. 51.)

New Hampshire enacts—

SEC. 9. Bills of exchange, drafts, promissory notes, and contracts, maturing or to be executed on Sunday, Thanksgiving, Fast or Christmas days, or on the fourth day of July, on the twenty-second day of February, or on the thirtieth day of May, or on any day on which a general election is held for members of the legislature, or on the following day, when either of the two days last mentioned occurs on Sunday, are payable and to be executed on the day next preceding, not being one of said days, and may be noted and protested for nonpayment or nonfulfillment, on such next preceding day. (Laws of 1878, p. 509, ch. 220, as amended by Act of 1887, ch. 20, s. 1, p. 419.)

New Jersey provides (Act of June 1, 1886, P. L. 386, Supp. to Revision, p. 361)—

1. That the first day of January, the twenty-second day of February, thirtieth day of May, fourth day of July, Thanksgiving day, twenty-fifth day of December, and any day upon which a general election shall be held for members of Assembly, in each year, and also any day set apart by proclamation of the Governor of this State, or by the President of the United States, for the purpose of public observance, shall be a legal holiday, and no court shall be held upon said days, except in the cases where said court would now sit upon a Sunday, and no person shall be compelled to labor upon any of said days, by any person or corporation. [Identical with Act of April 4, 1876, P. L. 73; Revision, p. 841.]

New Mexico enacts (Comp. Laws, ed. 1885)—

SEC. 1730. Any promissory note or order for the payment of money at some future time which by its terms becomes due and payable on Sunday or on any legal holiday, shall be construed to fall due and become payable on the next business day thereafter; and for the purposes of this Act the fourth day of July, the twenty-fifth day of December (Christmas), the first day of January (New Year's day), and all days designated by public proclamation of the Governor as fast days or thanksgiving days, shall be deemed legal holidays. (p. 858.)

The Laws of New York provide—

§ 1. The following days and half days, namely: The first day of January, commonly called New Year's day; the twenty-second day of February, known as Washington's Birthday; the thirtieth day of May, known as Decoration Day; the fourth day of July, called Independence Day; the first Monday in September, to be known hereafter as Labor Day; the twenty-fifth day of December known as Christmas Day; any general election day in this State; every Saturday from twelve o'clock at noon, until twelve o'clock at midnight, which is hereby designated a half holiday; and any day appointed or recommended by the Governor of this State, or the President of the United States, as a day of Thanksgiving, or fasting and prayer, or other religious observance, shall, for all purposes whatever as regards the presenting for payment or acceptance, and of the protesting and giving notice of dishonor of bills of exchange, bank checks, and promissory notes, made after the passage of this Act, be treated and considered, as the first day of the week

commonly called Sunday, and as public holidays or half-holidays; and all such bills, checks and notes otherwise presentable for acceptance or payment on any of the said days shall be deemed to be payable and be presentable for acceptance or payment on the secular or business day next succeeding such holiday; but in the case as a half-holiday shall be presentable for acceptance or payment at or before twelve o'clock noon of that day. Provided, however, that for the purpose of protesting or otherwise holding liable any party to any bill of exchange, check or promissory note, and which shall not have been paid before twelve o'clock at noon on any Saturday, a demand of acceptance or payment thereof may be made and notice of protest or dishonor thereof may be given on the next succeeding secular or business day. And provided, further, that when any person shall receive for collection any check, bill of exchange or promissory note, due and presentable for acceptance or payment on any Saturday, such person shall not be deemed guilty of any neglect or omission of duty nor receive any liability in not presenting for payment or acceptance or collecting such check, bill of exchange or promissory note on that day. And provided, further, that in construing this section every Saturday, unless a whole holiday as aforesaid, shall until twelve o'clock noon be deemed a secular or business day. And the days and half-days aforesaid shall be considered as the first day of the week, commonly called Sunday, and as public holidays or half-holidays, for all purposes whatsoever as regards the transaction of business in the public offices of this State, or counties of this State. On all other days, or half-days, excepting Sundays, such offices shall be kept open for the transaction of business. (Laws of 1887, chap. 289; Rev. Stat. ed. 1889, p. 2505-6.)

§ 2. Whenever the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July or the twenty-fifth day of December shall fall upon Sunday, the Monday next following shall be deemed a public holiday for all or any of the purposes aforesaid; provided, however, that in such case all bills of exchange, checks and promissory notes, made after the passage of this Act which would otherwise be presentable for acceptance or payment on the said Monday shall be deemed to be presentable for acceptance or payment on the secular or business day next succeeding such holiday. (Laws of 1887, chap. 289; Rev. Stat. ed. 1889, p. 2506.)

Until restrained by statute, the courts of New York required the demand for payment of paper subject to grace, to be made on the day before the holiday: *Ransom v. Mack* (1842), 2 Hill 587, 592; *Cuyler v. Stevens* (1830), 4 Wend. 566, 567; *Lewis v. Burr* (1796), 2 Caines Cases in Error 195.

The New York Statutes also provide—

§ 3. No person shall fire, or discharge any gun, pistol, rocket, squib, cracker, or other firework, within a quarter of a mile of any building, on the twenty-fifth day of December, on the last day of December, on the first day of January, or on the twenty-second day of February, in any year; nor on the fourth day of July, or such other day, as shall, at the time, be celebrated as the anniversary of American independence, without the order of some officer of the militia, while in the cause of military exercises; every person offending against these provisions,

shall forfeit the sum of five dollars, to be recovered by any person who will prosecute in the name of the overseers of the poor, with their consent and under their direction, for the use of the poor. (1 R. L. 49; 4 Rev. Stat. ed. 1889, p. 2217.)

§ 1. All bills of exchange and promissory notes made after the passage of this Act, except those payable at sight, or on demand, which shall be otherwise payable on any half-holiday Saturday, shall be deemed to be and shall be payable on the next succeeding secular or business day. (Laws of 1887, chap. 461; 4 Rev. Stat. ed. 1889, p. 2506.)

§ 2. All bills of exchange, checks and promissory notes made after the passage of this Act, which by the terms thereof shall be payable on the first day of the week commonly called Sunday, shall be deemed to be and shall be payable on the next succeeding secular or business day. (Id.)

§ 5. No Court shall be opened, or transact any business, in any city or town, on the day such [general] election shall be held therein, unless it be for the purpose of receiving a verdict or discharging a jury; and every adjournment of a Court in such city or town, on the day next preceding the day any such election shall be held therein, shall always be to some other day than the day of such election, except such adjournment as may be made after a cause has been committed to a jury. But this section shall not prevent the exercise of the jurisdiction of any single magistrate, when it shall be necessary in criminal cases to preserve the peace, or to arrest the offenders. (Rev. Stat. ed. 1889, p. 410.)

CHAP. 198. AN ACT supplementary to chapter 289 of the laws of 1887, etc., (approved April 26, 1889.)

SECTION 1. The Governor, in issuing any proclamation or proclamations, appointing or recommending any day or days as a day or days of thanksgiving, or fasting and prayer, or other religious observance, under or in pursuance of chapter 289 of the laws of 1887, and the acts amendatory thereof, is authorized, in his discretion, to limit or restrict the effect and operation of such proclamation or proclamations, to any city or cities, county or counties, to be designated by him in such proclamation or proclamations, and the day or days so appointed or recommended for the purposes aforesaid, shall be deemed to be public holidays for the purposes mentioned in said Act only within the city or cities, county or counties, so specified in such proclamation or proclamations. (Laws, p. 34.)

The Code of North Carolina, enacted March 2, 1883, provides—

SEC. 3784. The first day of January, twenty-second day of February, tenth day of May, twentieth day of May, fourth day of July, and the day appointed by the Governor as a thanksgiving day, and the twenty-fifth day of December of each and every year, are declared to be public holidays; and whenever any such holiday shall fall upon Sunday, the Monday following shall be a public holiday, and papers due on such Sunday shall be payable on the Saturday preceding; and papers which would otherwise be payable on said Monday, shall be payable on the Tuesday thereafter. (Chap. 61, p. 574.)

SEC. 3785. Whenever either of the above-named days falls on Saturday, the papers due on the Sunday following, shall be payable on the Monday succeeding. (Id.)

SEC. 3786. Whenever either of the above-named days shall fall on Monday, the papers which should otherwise be payable on that day, shall be payable on the Tuesday succeeding. (Id.)

The Revised Statutes of Ohio (ed. 1890, Vol. 1), provide—

SEC. 3177. The following days, namely, the first day of January, the fourth day of July, the twenty-fifth day of December, the twenty-second day of February, the thirtieth day of May, and any day appointed and recommended by the Governor of the State or the President of the United States, as a day of fast or thanksgiving, shall for all purposes whatsoever of presentment for payment or acceptance and the protesting or the giving of notice of nonacceptance or of nonpayment of all such instruments, be considered as the first day of the week; but if the first day of January, the fourth day of July, the twenty-fifth day of December, or the twenty-second day of February, or the thirtieth day of May, be the first day of the week, the succeeding Monday shall for the same purpose be considered as the first day of the week. (p. 780.)

SEC. 4015. Teachers employed in the common schools, may dismiss their schools, without forfeiture of pay, on the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the twenty-fifth day of December, and on any day set apart by proclamation of the President of the United States, or the Governor of this State, as a day of fast or thanksgiving. (p. 1013.)

Oregon enacts (Codes and Gen. Laws, ed. 1887)—

§ 928. The courts of justice may be held, and judicial business transacted, on any day, except as provided in this section. No court can be opened, nor can any judicial business be transacted, on a Sunday, on the first day of January, on the first Saturday in June, on the fourth day of July, on Christmas day, on the thirtieth day of May, on a day on which a general election is held, or on a day appointed by the executive authority of the United States or of this State as a day of fasting or thanksgiving, except for the following purposes: 1. To give instructions to a jury then deliberating on their verdict. 2. To receive the verdict of a jury. 3. For the exercise of the powers of a magistrate in criminal actions, or in proceedings of a criminal nature. (p. 86.)

§ 3543. The following days shall be, and are hereby declared legal holidays in this State, viz: Every Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the twenty-fifth day of December, and every day appointed by the President of the United States, or by the Governor of this State, for a public fast, thanksgiving, or holiday. Negotiable instruments payable on a holiday become due the next business day. (p. 1539.)

§ 3544. The first Saturday in June of each and every year be, and the same is hereby set apart and declared to be a public holiday under the name of Labor day. (p. 1539.)

§ 519. The time within which an act is to be done, as provided in this code, shall be computed by excluding the first day and including the last, unless the last day fall upon a Sunday, Christmas, or other nonjudicial day, in which case the last day shall also be excluded. (p. 466.)

Pennsylvania provides for her legal holidays, by a series of Acts of Assembly—

No. 374. AN ACT, etc. (Approved, April 11, 1848.)

SECTION 3. Payment of all notes, checks, bills of exchange or other instruments negotiable by the laws of this commonwealth, and becoming payable on Christmas day, or the first day of January, the fourth day of July, or any other day fixed by the law, or by the proclamation of the Governor of this commonwealth as a day of general thanksgiving, or for the general cessation of business in any year, shall be deemed to become due on the secular day next preceding the aforementioned days respectively; on which said secular days demand of payment may be made, and in case of nonpayment or dishonor of the same, protest may be made and notice given in the same manner as if such notes, checks, bills of exchange or other instruments fell due on the day of such demand, and the rights and liabilities of all parties concerned therein shall be the same as in other cases of like instruments legally proceeded with. *Provided,* That nothing herein contained shall be so construed as to render void any demand, notice or protest made or given as heretofore, at the option of the holder, nor shall the same be so construed as to vary the rights or liabilities of the parties to any such instruments heretofore executed. (P. L. p. 539.)

Washington's Birthday was made a legal holiday by the Act of May 7, 1864, P. L. 889, which used identical language with that fixing the other days, as above.

No. 26. AN ACT to declare Good Friday, a public holiday. (Approved, April 12, 1869.)

SECTION 1. *Be it enacted, etc.,* That from and after the passage of this Act, Good Friday, in each and every year, shall be deemed and proclaimed as a public holiday, and shall be duly observed as such; the payment of all notes, checks, bills of exchange or other instruments negotiable by the laws of this commonwealth and becoming due on said Good Friday, shall be deemed to become due on the secular day next preceding the aforementioned day [etc., literally as in the Act of 1848, *supra*]. (P. L. 26.)

Not content with this plain enumeration of holidays, the legislature proceeded to pass (without the repealing clause which might have given some excuse)—

No. 34. AN ACT defining what days shall constitute legal holidays. (Approved, April 2, 1873.)

SECTION 1. *Be it enacted, etc.,* That the following days, namely: First day of January, the twenty-second day of February, the fourth day of July, the twenty-fifth day of December, and any day appointed or recommended by the Governor of this State, or the President of the United States, as a day of fasting or thanksgiving, or for the general cessation of business, shall be regarded as legal holidays, and shall, for all purposes whatsoever, as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank checks, drafts and promissory notes, made after the passage of this

Act, be treated and considered as is the first day of the week commonly called Sunday.

SECTION 2. Whenever the first day of January, twenty-second day of February, the fourth day of July, or the twenty-fifth day of December, shall, either of them, occur on Sunday, the following day, Monday, shall be deemed and declared a public holiday; and all bills of exchange, bank checks, drafts or promissory notes falling due on either of the Mondays, so observed as a holiday, shall be due and payable on the Saturday preceding such holidays; and such Mondays, so observed, shall for all purposes whatever, as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank checks, drafts and promissory notes, made after the passage of this Act, be treated and considered as is the first day of the week commonly called Sunday.

SECTION 3. Nothing in this Act shall prevent the making or demand of any promissory note, draft, checks and bills of exchange, falling due on said Mondays, thus observed as holidays, on the day upon which such bills of exchange, drafts, checks and promissory notes shall be due. (P. L. 58.)

This Act omits Good Friday, but the holiday remains, as there is no repealing clause, or other indication that the number of days was to be diminished.

Decoration Day was next made a holiday with the peculiarity of celebration on the previous day, when the thirtieth of May falls on Sunday, instead of the following day, as is the case with all other legal holidays in Pennsylvania, by—

NO. 145. AN ACT making decoration day a legal holiday. (Approved, May 25, 1874.)

SECTION 1. *Be it enacted*, etc., That the thirtieth day of May, commonly called decoration day, or when that day falls on the first day of the week, the day preceding it, shall be a holiday.

SECTION 2. It shall be lawful to require payment of all notes, checks and bills of exchange due and payable on such holidays, to be made on the secular day next previous thereto; and in default of such payment, the same may be protested, and such protest shall be as valid as if made on the day on which such note, check or bill became due by its own terms. (P. L. 222.)

NO. 122. AN ACT to regulate the computation of time, under statutes, rules, orders and decrees of court, and under charters and by-laws of corporations, public and private. (Approved, June 20, 1883.)

SECTION 1. *Be it enacted*, etc., That where by any existing law or rule of court, or by any law or rule of court that may hereafter be enacted and made, the performance or doing of any act, duty, matter, payment or thing shall be ordered and directed, and where any court shall, by special or other order, direct the performance or doing of any act, matter, payment, sentence or decree, and the period of time or duration for the performance or doing thereof shall be prescribed and fixed, such time in all cases shall be so computed as to exclude the first, and

include the last days of any such prescribed or fixed period, or duration of time: *Provided*, that whenever the last day of any such period shall fall on Sunday, or on any day made a legal holiday by the laws of this Commonwealth, or of the United States, such day shall be omitted from the computation: *and provided*, That this Act shall not apply to the payment of negotiable paper.

SECTION 2. The provisions of this Act shall also apply to the ordinances, resolutions, by-laws and other regulations of all municipal or other public or private corporations now existing or hereafter created. (P. L. 136.)

By Joint Resolution of the Legislature, originating in the House of Representatives, concurred in by the Senate and approved by the Governor, March 30, 1887, it was—

Resolved (if the Senate concur), That the Governor of this Commonwealth be requested to appoint, annually, a day to be designated as Arbor Day, in Pennsylvania, and to recommend, by proclamation, to the people, on the days named, the planting of trees and shrubbery in the public school grounds and along public highways throughout the State. (P. L. 431.)

NO. 51. AN ACT making the first Monday of September, in each year, a legal holiday, to be known as "Labor holiday." (Approved April 25, 1889.)

SECTION 1. *Be it enacted, &c.*, That the first Monday of September, in each year, after the passage of this Act, shall be a holiday to be known as "Labor holiday."

SECTION 2. It shall be lawful to require payment of all notes, checks and bills of exchange due and payable on such holiday to be made on the secular day next previous thereto, and in default of such payment, the same may be protested, and such protest shall be as valid as if made on the day on which such note, check or bill became due by its own terms. (P. L. 49.)

Rhode Island enacts (Pub. Stat., ed. 1882)—

SEC. 8. The fourth day of July, Christmas day, the twenty-second day of February, and the thirtieth day of May, commonly called Memorial day, or whenever either of the said days falls on the first day of the week, the day following it, and such other days as the Governor or General Assembly of this State, or the President or Congress of the United States, may appoint as days of thanksgiving or days of solemn fast, shall be holidays. (p. 343, as amended by Laws of 1886, ch. 573, p. 154.)

SEC. 9. It shall be lawful to require payment of all notes, checks, and bills of exchange due and payable on such holidays, to be made on the secular day next previous thereto; and, in default of such payment, the same may be protested and such protest shall be as valid as if made on the day on which such note, check or bill became due by its own terms. (p. 344.)

SEC. 15. The supreme court and court of common pleas shall be always open, except on Sundays and legal holidays, for the transaction of all business, except jury trials, the passing of sentence upon persons convicted of any crime or offence, and trial of petitions for divorce, and entering final decrees. (p. 515.)

CHAP. 641. AN ACT establishing "Arbor Day." (passed May 6, 1887.)

SECTION 1. Such day as the Governor of the State may appoint as "Arbor Day," shall be a holiday, but it shall not be lawful to require payment of notes, checks and bills of exchange, due and payable on said holiday, to be made on the day next previous thereto. (Laws, p. 210.)

South Carolina provides (Gen. Stat., ed. 1882)—

SEC. 1636. National thanksgiving days, and all general elections, the first day of January, the twenty-second day of February, the fourth day of July, and the twenty-fifth day of December, shall be legal holidays. (p. 484.)

Tennessee enacts—

CHAPTER 172. AN ACT to appoint an Arbor Day for the public schools of the State, to encourage the planting of trees about the public school buildings, that the grounds may be beautified and made more attractive, and the minds of the young impressed with the importance of the subject. (Approved March 26, 1887.)

SECTION 1. *Be it enacted, &c.*, That it shall be the duty of the County Superintendent of Public Schools of each county to set apart some day in November in each year as "Arbor Day" in all the public schools of the county, that trees may be planted around the buildings that the grounds around such buildings may be improved and beautified; such planting to be attended with appropriate and attractive ceremonies, that the day may be one of pleasure as well as of instruction for the young, all to be under the supervision and direction of the teacher, who shall see that the trees are properly selected and set. (Laws, p. 297.)

CHAPTER 63. AN ACT to establish and fix certain days as legal holidays amending Section 1966 of the Code, (being Section 2723 of the compilation of the laws by Milliken and Vertrees) prescribing the time when negotiable paper falling due on any legal holiday shall be due and payable, and defining certain days as legal holidays. (Approved March 16, 1889.)

SECTION 1. *Be it enacted, etc.* That the first day of January, the twenty-second day of February, the fourth day of July, the twenty-fifth day of December, Good Friday, Decoration Day, Memorial Day, and when either of these days fall on Sunday, then the following Monday to be substituted; also all days appointed by the Governor of this State, or by the President of the United States, as days of fasting and thanksgiving, and all days set apart by law for holding County, State or National elections throughout the State are made holidays, on which all public offices of this State may be closed and business of every character, at the option of the parties in interest or managing the same, may be suspended. (Laws, p. 92.)

SEC. 2. *Be it further enacted*, That in order to remove any impediments in the way of the observance of any of said days named in the first section of this Act as holidays, all negotiable paper falling due on either of said days shall be due and payable the first business day preceding the same. (Id.)

Texas Revised Civil Statutes (ed. 1888) provide—

ART. 2835. The first day of January, the twenty-second day February, the second day of March, the twenty-first day of April, the fourth day of July, the twenty-fifth day of December of each year, and all days appointed by the President of the United States, or by the Governor, as days of fasting or thanksgiving, and every day on which an election is held throughout the State, are declared holidays, on which all the public offices of the State may be closed, and shall be treated and considered as Sunday, or the Christian Sabbath, for all purposes regarding the presenting for payment or the acceptance and of protesting for and giving notice of the dishonor of bills of exchange, bank checks, and promissory notes placed by the law upon the footing of bills of exchange. (Tit. 49, p. 876.)

ART. 2836. All the exemptions and requirements usual on legal holidays may be observed on the days above named. (Id.)

ART. 2837. If any of the days named shall occur on Sunday, the next day thereafter shall be observed as a holiday; but bills of exchange, or other paper, may be presented for payment, or acceptance, on the Saturday preceding such holiday, and proceeded on accordingly. (Id.)

ART. 1184. No civil suit shall be commenced, nor shall any process be issued or served, on Sunday, or on any legal holiday, except in case of injunction, attachment or sequestration. (Tit. 29, ch. 1, p. 398.)

Vermont Revised Laws (ed. 1880) provide—

SEC. 2010. The first day of January, the fourth day of July, the thirtieth day of May, the twenty-fifth day of December, and a day appointed by the Governor of this State, or by the President of the United States as a day of fast or thanksgiving, shall for purposes of presenting for acceptance or payment, and for protesting, and giving notice of the dishonor of bills of exchange, drafts, checks, and promissory notes, be considered like Sunday. (p. 412.)

SEC. 2011. When a bill, note or other contract, not subject to grace, falls due on Sunday, or a legal holiday, it shall, for every purpose, be considered as due on the next following business day. (p. 413.)

SEC. 2012. When a bill, note or other contract subject to grace falls due on Sunday, or a legal holiday, it shall for every purpose be considered as due on the next preceding business day. (p. 413.)

No. 28. AN ACT relating to the rights of teachers to legal holidays. (Approved, November 20, 1886.)

SECTION 1. No teacher in any public school in this State shall be required to teach or perform service in any such school on any day made a legal holiday by the laws of this State, nor shall any such teacher be subjected to any deduction from their time, or the payment for the same, on account of not teaching on such legal holiday. (Laws, p. 24.)

Virginia enacts (Code of 1887)—

SEC. 2844. The first day of January, the twenty-second day of February, the fourth day of July, the twenty-fifth day of December, and any day recommended or appointed by the Governor of this State, or the President of the United States, as a day of thanksgiving, or of fasting and prayer, or other religious observance,

shall, for all purposes whatsoever, as regards the presenting for acceptance or payment, and of protesting and giving notice of the dishonor of any bill of exchange, bank check, negotiable note, or other negotiable instrument, hereafter made, be considered and treated as a Sunday and a public holiday; and every such bill, check, note, or other negotiable instrument which would otherwise be presentable for acceptance or payment on any such holiday or on a Sunday, shall be deemed to be presentable for acceptance or payment on the secular or business day next preceding such holiday or Sunday. Whenever any such holiday shall fall on a Sunday, the Monday next following shall be deemed a public holiday, for any and all the purposes aforesaid; and in that case, every such bill, check, note, or other negotiable instrument, hereafter made, which would otherwise be presentable for acceptance or payment on the said Monday, shall be deemed to be presentable for acceptance or payment on the business or secular day next preceding. (p. 682.)

SEC. 2845. When any bill, check, negotiable note, or other negotiable instrument, is presentable for acceptance or payment, under the preceding section or otherwise, on the secular or business day next preceding a Sunday or any other day declared in the preceding section to be a public holiday, notice of the protest or dishonor thereof need not be given until the first day thereafter which is not a Sunday or any such public holiday. (Id.)

SEC. 2847. If the day following that on which such bill shall become due shall happen to be a Sunday, the first day of January, the twenty-second day of February, the fourth day of July, the twenty-fifth day of December, or any day appointed or recommended by the Governor of this State, or the President of the United States, as a day of thanksgiving, or fasting and prayer, or other religious observance, it shall not be necessary to present it or forward it for presentment for payment to such acceptor for honor or referee, until the first day afterwards which is not a Sunday or one of the other days above mentioned. (Id.)

Washington Code of 1881 provides—

SEC. 2301. The fourth day of July and the twenty-fifth day of December, shall for all purposes whatsoever as regards the presenting for payment or acceptance and of the protesting and giving notice of the dishonor of bills of exchange, promissory notes, drafts and checks, be treated and considered as Sunday. (p. 397.)

West Virginia (Code, ed. 1887) provides—

31. In contracts with teachers, it shall be understood that the school is not to be kept in operation for ordinary instruction on the first day of January, fourth day of July, or the twenty-fifth day of December, nor on any national or state festival or thanksgiving day; but the month or time mentioned in such contract shall nevertheless be computed as if the said days were included. (p. 374.)

3. A bill or note which becomes due on a Sunday shall be payable and may be protested, on the preceding day; and a bill or note which becomes due on, a Christmas day, or the first day of January, or the twenty-second day of February, or the fourth day of July, or a day of national thanksgiving, shall be payable, and may be protested on the preceding day, or if that be Sunday, then on the preceding Saturday, and a bill or note which becomes due on a day after a Sunday, which

is a Christmas day, or the first day of January, or the twenty-second day of February, or the fourth day of July, shall be payable and may be protested, on the preceding Saturday. (p. 699.)

4. When a bill or note is protested, either under the preceding section or otherwise, on the day preceding any Sunday, Christmas day, first day of January, twenty-second day of February, fourth day of July, or a day of national thanksgiving, notice of the dishonor thereof need not be given until the next day afterwards, which is not Sunday, Christmas day, or the first day of January, twenty-second day of February, fourth day of July, or a day of national thanksgiving, and is not the day after a Sunday which is a Christmas day, or the first day of January, or the twenty-second day of February, or the fourth day of July. (p. 700.)

6. If the day following that on which such bill shall become due shall happen to be a Sunday, or Christmas day, or the first day of January, or the twenty-second day of February, or the fourth day of July, or a day of national thanksgiving, then it shall not be necessary to present it or forward it for presentment for payment to such acceptor for honor or referee, until the first day afterwards, which is not Sunday, or Christmas day, or the first day of January, twenty-second day of February, fourth day of July or a day of national thanksgiving, and is not the day after a Sunday, which is a Christmas day, or the first day of January, or the twenty-second day of February, or the fourth day of July. (Id.)

Wisconsin (Annotated Statutes, 1889) provides—

SECTION 2576. No court shall be opened, or transact any business, on the first day of the week, or on any legal holiday, unless it be for the purpose of instructing or discharging a jury, or of receiving a verdict, and rendering a judgment thereon, but this section shall not prevent the exercise of the jurisdiction of any magistrate, when it shall be necessary, in criminal cases, to preserve the peace, or arrest offenders. Whenever it shall happen, that the time fixed by law for holding any term of court of record shall be upon a legal holiday, the clerk of such court, or the judge thereof, shall open and adjourn the same until the next day, and all matters returnable on that day, shall be continued until such next day. (Vol. 2, p. 1468-9.)

SECTION 2577. The first day of January, the twenty-second day of February, the fourth day of July, the twenty-fifth day of December, the thirtieth day of May, the day appointed by the Governor of this State, or the President of the United States, as a day of public thanksgiving, and the day of holding the general election in each year, are legal holidays; and whenever either of said days shall fall on Sunday, the succeeding Monday is a legal holiday. (Vol. 2, p. 1469.)

SECTION 459. In settlement for wages, between teachers and district boards, or other employers of teachers in public schools, twenty days of teaching shall constitute a school month, unless it be otherwise specified in the contract; and all legal holidays, occurring on school days, shall be counted, although no school be taught; but school taught on a legal holiday, shall not be counted for two school days, and no Saturdays shall be counted. The district board may, in their discretion, give to any teacher employed, without deduction from his wages therefor, the whole, or any part of his time spent by him, in attending the sessions of any institute held in the county, embracing the school district or any part thereof, upon such teacher's

furnishing to the district clerk, to be filed by him, a certificate of regular attendance in such institute, signed by the person conducting the same. (Vol. 1, p. 309.)

SECTION 1684. All notes, drafts, bills of exchange, or other negotiable paper, maturing on Sunday, or upon any legal holiday, shall be due and payable on the next preceding secular day. (Vol. 1, p. 997.)

SECTION 2775. * * * In case of exigency, any injunction may be granted, and by direction of the court or judge, may be served on Sunday, or on a legal holiday. (Vol. 2, p. 1606.)

SECTION 137 *b*. The Governor is hereby authorized to set apart, by proclamation, one day in each year, to be observed as a tree planting, or arbor day, requesting all public schools and colleges, to observe the same by suitable exercises, having for their object, the imparting of knowledge of horticulture, in the department known as arborculture, and the adornment of school and public grounds. (Vol. 1, p. 188.)

DRUMMOND, J., gives the following history of the Statutes of Wisconsin—

The statute in relation to the 22d of February and 4th of July, was passed in 1861; but when there was legislation, in 1862, as to the 25th of December and 1st of January, there was no prohibition in relation to the Courts, except what might be inferred from the fact that they were declared holidays. It was not till afterwards (1869) that it was declared that when the day for the meeting of the Court should fall upon a legal holiday, it should adjourn to the following day.

The natural conclusion would seem to be, that when the State Legislature, in 1861, legislated in relation to the 22d of February and 4th of July, and made prohibitions, and then again legislated, in 1862, as to the 25th of December and 1st of January, the prohibitions should not, by construction merely, be enlarged.

* * * There does not seem to be any Statute of this State, which, when fairly considered, declares that no official Act shall be performed on a holiday. In referring to holidays, I do not intend to include Sundays, as to which there is considerable prohibitory legislation by this State, affecting business, public and private labor, amusements, and the service of civil process: (DRUMMOND, J. *In re Worthington* (1877), U. S. Cir. Ct., W. Dist. Wis. 7 Biss. 457, 458, 459.)

Wyoming Revised Statutes, in force January 1, 1887, provide—

SEC. 1430. The first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the day that may be appointed by the President of the United States as the annual thanksgiving day, and the twenty-fifth day of December of each and every year, are hereby declared legal holidays in and for the Territory of Wyoming. (p. 394.)

Wyoming also by an Act relating to negotiable instruments, and for other purposes, approved March 9, 1888, provides—

SEC. 66. The first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the twenty-fifth day of December,

and any day appointed by the Governor of the Territory or the President of the United States, as a day of fast or thanksgiving, and any other day made a legal holiday by law, shall for all purposes whatsoever of presentment for payment, presentment for acceptance, and the protesting or the giving of notice of non-acceptance, or of non-payment, of all negotiable instruments, be considered as legal holidays; and if the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, or the twenty-fifth day of December, or any other legal holiday shall fall upon Sunday, the Monday following shall be a legal holiday within the meaning of this article. (Laws, p. 153.)

SEC. 62. Except as otherwise provided in this article, the three days following the day on which a negotiable instrument becomes due by its terms, are allowed as days of grace, unless the last of such days is Sunday or a legal holiday, in which case the next preceding business day shall be the last day of grace allowed. (Id.)

SEC. 65. A negotiable instrument, on which days of grace are not allowed, which by its terms matures on Sunday or on a legal holiday, is payable on the next preceding business day. (Id.)

CHAPTER 87. AN ACT authorizing the Governor to designate arbor day and encourage tree planting. (Approved March 9, 1888.)

SECTION 1. The Governor shall annually, in the spring, designate by official proclamation, an arbor day, to be observed by the schools, and for economic tree planting, and the same shall be a legal holiday. (Laws, p. 183.)

IX. SUMMARY OF THE STATUTES.

A proper conclusion to the several statutes themselves will be a classification and review of some of their provisions, with a view to ascertain their uniformity. And, *first*, the enquiry is, what days are accounted legal holidays?

January First, or New Year's Day, is a legal holiday in all the States, except Arizona, Arkansas, Kentucky, Massachusetts, New Hampshire, Rhode Island, Utah and Washington.

January Eighth, or the Anniversary of the Battle of New Orleans, is a legal holiday in Louisiana alone.

February Third, see *Shrove Tuesday*, *infra*.

February Twelfth is a legal holiday in Louisiana.

February Twenty-Second, or Washington's Birthday, is a legal holiday in all the States, except Arizona, Arkansas, Iowa, Kansas, Mississippi, New Mexico, Utah and Washington (!).

March Second, or the Anniversary of Texan Independence, is a legal holiday in that State alone.

March Twentieth, see Good Friday, *infra*.

April Twenty-first is a legal holiday in Texas only.

April Twenty-second, or Arbor Day, *supra*, p. 154.

April Twenty-sixth, known as Decoration Day in the States where it is observed, is a legal holiday in Alabama and Georgia.

May Tenth is a legal holiday in North Carolina alone.

May Twentieth, or the anniversary of the Mechlenberg Declaration of Independence, is a legal holiday in North Carolina alone; as Memorial Day is a legal holiday in Tennessee.

May Thirtieth, or Decoration Day, is a legal holiday in all the States, except Alabama, Arizona, Arkansas, Maryland, Mississippi, Missouri, Montana, New Mexico, North Carolina, South Carolina, Texas, Utah, Virginia, Washington and West Virginia.

June (the first Saturday in), is a legal holiday in Oregon under the name and title of Labor Day.

July Fourth, or Independence Day, is a legal holiday in all the States and Territories, except Arizona and Utah.

September First, or Labor Day, is a legal holiday in

Massachusetts,
Nebraska,

New York,

[Oregon (*supra*).]
Pennsylvania.

September Ninth is a legal holiday in California.

December Twenty-fifth, or Christmas Day, is a legal holiday in all the States and Territories, except Arizona.

Arbor Day is merely observed in Pennsylvania, Illinois and Michigan (see the statute) when proclaimed by the Governor, but is a legal holiday in

Colorado, (for schools)	Third Friday in April.
Idaho,	Last Monday of April.
Nebraska,	Twenty-second of April.
Nevada, (for schools)	Day appointed by the Governor.
Rhode Island, (except for bills and notes)	"
Tennessee, (for schools)	Day appointed County Superintendent.
Wisconsin,	Day appointed by the Governor.
Wyoming, (see the statute)	"

Election Day, when the election is held throughout the State, is a legal holiday in

California,	Maryland,	New Jersey,
Dakota,	Massachusetts, (see the statute)	New York,
Florida,	Missouri,	Oregon,
Idaho,	Montana,	South Carolina,
Illinois,	Nevada,	Tennessee,
Indiana, (see the statute)	New Hampshire,	Texas,
Maine, (see the statute)		Wisconsin.

Fast Day, annual or special, is a legal holiday in

California,	Kansas,	New Mexico,
Colorado,	Kentucky,	New York,
Connecticut,	Maine,	Ohio,
Dakota,	Maryland,	Oregon,
District of Columbia,	Massachusetts,	Pennsylvania,
Florida,	(See p. 141 <i>supra</i>)	Rhode Island,
Georgia,	Michigan,	Tennessee,
Idaho,	Montana,	Texas,
Illinois,	Nebraska,	Vermont,
Indiana,	New Hampshire,	Virginia,
Iowa,		Wyoming.

Good Friday, which may happen as early as the twentieth of March, and as late as the twenty-third of April (see the Tables in the front of the Book of Common Prayer), is a legal holiday in

Alabama,	Maryland,	Minnesota,
Louisiana,		Pennsylvania.

Inauguration Day, when the President of the United States takes his oath of office, is a legal holiday in the District of Columbia.

Saturday Afternoon holidays are established by law in New York.

Shrove Tuesday, or *Mardi Gras*, is a legal holiday in Alabama and Louisiana.

Special days set apart by the Governor of the State, or by the President of the United States, and generally for religious observances, in

Dakota,	Nebraska,	Oregon,
Florida,	New Hampshire,	Pennsylvania,
Georgia,	New Jersey,	Rhode Island,
Idaho,	New Mexico,	Tennessee,
Maryland,	New York, (see the statute)	Texas,
Massachusetts,	Ohio,	Virginia,
Michigan,		Wyoming.

Thanksgiving Day is a legal holiday in all the States and Territories, except Arizona, Arkansas and Utah.

Holidays are generally appointed by the President of the United States, or the Governor of the State, but *Georgia* is unique in also allowing "any municipal authority" to appoint days of "thanksgiving, or fasting and prayer, or other religious observances." So far as localizing the holiday, *New York* now authorized her governor to limit religious observances to particular places or sections.

Second, the enquiry may be, on what day is a variable holiday to be held, when it would happen on a Sunday? It is transferred to the following Monday in all except the following States; that is, *Arizona* and *Arkansas*; but *Pennsylvania* is unique in following the general rule in all cases except when the thirtieth of May falls upon a Sunday, then Decoration Day is observed on Saturday the twenty-ninth. *Rhode Island* agreed with *Pennsylvania* until 1886.

Appeals are to be entered in Georgia, within four days after the adjournment of the Court in which the judgment was entered, but Sundays and legal holidays are excluded from the computation: See page 142.

Appearance in Court, on a legal holiday is expressly excused, by statute in Iowa.

Court, or law, days are expressly transferred by statute to the next law day, when falling upon a legal holiday in Colorado and Michigan.

Days of Public Rest is the statutory term in Louisiana for legal holidays.

Judicial proceedings are forbidden, with certain limitations in

California,	Michigan, (see the statute)	Nevada,
Colorado,	Montana,	Oregon,
Maine,	Nebraska,	Rhode Island,
Massachusetts,		Wisconsin.

Legislative action in the form of ordinary business is forbidden in Massachusetts.

Liquor Dealers are restrained in their sales, on certain holidays, in Massachusetts, Michigan and New York (on election days).

Process may be issued and served on a legal holiday, by express statutory provisions, in Colorado. On the other hand the service of process on a legal holiday is expressly prohibited in Louisiana, Minnesota, Missouri and Texas.

Public Offices are directed to be closed, on a legal holiday, in

Kentucky,	Minnesota,	New York,
Massachusetts,		Tennessee.

Quiet is secured upon many holidays, by special statutory provisions, in Connecticut.

Sundays are improperly classed with holidays, in

Alabama,	Florida,	Iowa,
California,	Idaho,	Louisiana,
Dakota,	Indiana,	Oregon.

Recurring to the new definition at the bottom of page 141, the propriety of placing religious observances first, will appear from the summary of the statutes. Yet it is equally clear that no effort has been made in recent years to secure any Sabbatical observance of (e. g.) Good Friday. All that has been desired is such freedom from monetary transactions, as by the closing of the banks and cessation of business directly dependent thereon, may allow of choice in the method of passing the day. The addition of days of political or social significance, leads to no proper confusion of thought, but rather serves the more sharply to distinguish the weekly *dies non* as one founded upon a natural law of regular recurrence, whose violation appeals to more than the mere legislative punishments.

JOHN B. UHLE.